

In the Matter Of:

UNITED STATES vs STATE OF GEORGIA

NO. 1:16-cv-03088-ELR

CLARA KEITH BROWN

June 07, 2022



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UNITED STATES vs STATE OF GEORGIA

June 07, 2022

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.
STATE OF GEORGIA,
Defendants.
- - - - -

) CIVIL ACTION
) NO. 1:16-cv-03088-ELR
)
)
)
)
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)
)

VIDEOTAPE DEPOSITION OF
CLARA KEITH BROWN

Tuesday, June 7, 2022, 9:18 a.m., EST

HELD AT:

Robbins Alloy Belinfante Littlefield LLC
500 14th Street, N.W.
Atlanta, Georgia 30318

WANDA L. ROBINSON, CRR, CCR, No. B-1973
Certified Shorthand Reporter/Notary Public

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APPEARANCES OF COUNSEL

Appearing on Behalf of the Plaintiff:

KELLY GARDNER, ESQUIRE
VICTORIA LILL, ESQUIRE
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20579
T: 202.305.6630 F:
E-mail: kelly.gardner@usdoj.gov
victoria.lill@usdoj.gov

Appearing on Behalf of the Defendant:

DANIELLE HERNANDEZ, ESQUIRE
Robbins Alloy Belinfante Littlefield LLC
500 14th Street, N.W.
Atlanta, Georgia 30318
T: 404.856.3261
E-mail: dhernandez@robbinsfirm.com

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1 ALSO PRESENT:

2 VIA ZOOM:

3 FRANCES COHEN, ESQUIRE

4 RENEE WOHLLENHAUSE, ESQUIRE

5 ANDREA HAMILTON, ESQUIRE

6 LAURA CASSIDY TAYLOE, ESQUIRE

7 SANDRA LE VERT, ESQUIRE

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14 ALSO PRESENT:

15 BRANDON BRANTLEY, Videographer
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1 THE VIDEOGRAPHER: This will be the video
2 deposition of Clara Keith Brown, being taken in
3 the matter of United States of America versus
4 State of Georgia.

5 Today's date is June 7, 2022. The time on
6 the record is 9:18 a.m.

7 My name is Brandon Brantley. I'm the
8 videographer.

9 The court reporter is Wanda Robinson.

10 Counsel, please introduce yourselves for
11 the record, after which the court reporter will
12 swear in the witness.

13 MR. HOLKINS: Good morning. This is Kelly
14 Gardner for the United States.

15 MS. HERNANDEZ: Good morning. This is
16 Danielle Hernandez for State of Georgia.

17 MS. LILL: Good morning. Victoria Lill
18 for the United States.

19 - - - - -

20 CLARA KEITH BROWN,
21 Being duly sworn, was examined and testified as
22 follows:

23 - - - - -

24
25 ///

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1 EXAMINATION

2 BY MS. GARDNER:

3 Q Good morning, Ms. Keith Brown. How are
4 you?

5 A Good morning. I'm fine. And you?

6 Q Doing well. Thank you for asking.

7 My name is Kelly Gardner, and I represent
8 the United States. I'm going to be taking your
9 deposition today.

10 Would you please state your full name for
11 the record.

12 A Yes. My name is Clara Keith Brown.

13 Q And Ms. Keith Brown, have you ever been
14 deposed before?

15 A Yes.

16 Q When was that?

17 A Several years ago.

18 Q And what was that deposition in connection
19 with?

20 A It had something to do with a local school
21 district. I don't remember the details.

22 Q Okay. Is that the only time you've been
23 deposed?

24 A That I can recall right now.

25 Q Okay. Am I correct that you are being

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1 represented by the Robbins Firm today for purposes
2 of your deposition?

3 A Yes.

4 Q I'm sure your attorney has explained much
5 of this to you, but you and I are basically going to
6 have a conversation. I'm going to ask the
7 questions, and your only job is to answer them
8 honestly and completely.

9 Do you understand that?

10 A Yes.

11 Q The court reporter has sworn you in. That
12 means that everything you say here today is under
13 oath and must be truthful.

14 Do you understand that?

15 A Yes.

16 Q The court reporter is going to write down
17 what you and I say in order to create a transcript
18 of our conversation. She can't record a nod of your
19 head or shake. So in order to make her job easier,
20 and all of our jobs easier, I'm going to ask you
21 speak clearly and that you give oral answers.

22 Can we agree on that?

23 A Yes.

24 Q The other thing you and I are going to
25 need to do is avoid talking over one another. I'm

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1 going to do my best not to interrupt you when you're
2 answering, and I will ask you to do your best to let
3 me finish my question before you start to answer.

4 Is that fair?

5 A Yes.

6 Q If at any point you don't understand my
7 question, please feel free to stop me and say so.
8 I'll try to clarify and then we can move forward.
9 Okay?

10 A Yes.

11 Q If you need a break at any time, let me
12 know, or tell your attorney. If you're in the
13 middle of an answer, I will ask that you finish the
14 answer, and then we'll see what we can do about a
15 break. Okay?

16 A Yes.

17 Q Sometimes it may happen that you will give
18 an answer as completely as you can and then later
19 on, maybe 5 minutes later, an hour later, you may
20 remember some additional information in response to
21 that question. If that happens, please just tell
22 me, and we will let you go back and supplement the
23 record. Okay?

24 A Yes.

25 Q Is there any reason you can think of today

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1 why you will not be able to answer my questions
2 completely and truthfully?

3 A No.

4 Q Do you have any questions for me before we
5 proceed?

6 A No.

7 Q Okay.

8 MS. GARDNER: Before we proceed with
9 questions, I just want to note on the record
10 that the United States and the State of Georgia
11 have agreed that all objections except as to
12 form and privilege will be reserved until
13 trial.

14 BY MS. GARDNER:

15 Q Ms. Keith Brown, did you do anything to
16 prepare for today's deposition?

17 A Yes.

18 Q And what was that?

19 A I talked to my counsel.

20 Q Okay. So you met with counsel?

21 A Yes.

22 Q When did you meet with counsel?

23 A Yesterday.

24 Q Okay. And for how long?

25 A I don't remember the exact time, the

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1 length.

2 Q Do you have a rough approximation?

3 A I arrived at 2:30, and I did not check
4 when I left.

5 Q Okay. Were you home by dinnertime?

6 A Yes.

7 Q Did you review any documents in
8 preparation for today's deposition?

9 A Yes.

10 Q Were those documents shown to you by
11 counsel?

12 A Yes.

13 Q Did you talk to any anyone other than
14 counsel about today's deposition?

15 A No.

16 Q Okay. Did you review any documents in
17 preparation for this deposition apart from those
18 that were shown to you by counsel?

19 A No.

20 Q Is there anything else that you did to
21 prepare for today's deposition that we have not
22 discussed?

23 A No. I hesitated. Other than getting a
24 good night's sleep and getting here on time.

25 Q A good night's sleep is good.

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1 Do you hold any educational degrees?

2 A I do.

3 Q And what are those degrees?

4 A I have an undergrad degree in education,
5 and I have a master's in school library media.

6 Q Your undergraduate degree in education,
7 where did you receive that degree?

8 A Tift College. It is now Tift College of
9 Mercer University.

10 Q And when was that?

11 A Graduated in 1979.

12 Q And your master's, I believe you said, it
13 was in school library media?

14 A Yes.

15 Q Where did you receive that Master's
16 degree?

17 A West Georgia College.

18 Q And when did you receive that degree?

19 A I graduated in 1988.

20 Q Do you hold any other professional
21 licenses apart from your educational degrees?

22 A No.

23 Q Do you have any other special professional
24 credentials that you have not yet to leave out?

25 A I don't know what you mean. Like --

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1 Q Any other licenses or certifications that
2 might not be formal degrees?

3 A No.

4 (WHEREUPON, Plaintiff's Exhibit-55 was
5 marked for identification.)

6 BY MS. GARDNER:

7 Q Ms. Keith Brown, you are going to receive
8 what has been marked as Plaintiff's Exhibit 55.

9 This is a subpoena to testify at a
10 deposition in a civil action. Is that correct?

11 A Yes.

12 Q And this subpoena is directed to Clara
13 Keith; is that right?

14 A That's correct.

15 Q That is you?

16 I understand you are Clara Keith Brown,
17 but to you understand that this document is directed
18 to you?

19 A Yes.

20 Q Have you seen this document before?

21 A Yes.

22 Q Where you served with this document at
23 your home?

24 A Yes.

25 Q And you are here today in this deposition

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1 on account of this document; is that right?

2 A Correct.

3 Q The top of this document has the case name
4 United States versus Georgia. Do you see that?

5 A Yes.

6 Q Do you understand that this deposition is
7 being taken in connection with litigation against
8 the State of Georgia?

9 A Yes.

10 Q And do you understand that the litigation
11 relates to the Georgia Network for Educational and
12 Therapeutic Support program?

13 A Yes.

14 Q Are you aware that that program is more
15 commonly referred to as the GNETS program?

16 A Yes.

17 Q So if I use the term "GNETS," you will
18 understand that to mean the Georgia Network for
19 Educational and Therapeutic Support program?

20 A Yes.

21 Q When did you first learn of this
22 litigation?

23 A I don't recall a specific date.

24 Q Do you have sort of an approximate length
25 of time for when you learned about it?

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1 Did you only learn about it recently? Was
2 it several years ago?

3 A It would have been several years ago.

4 Q Okay. How did you learn of the
5 litigation?

6 A I was informed by a State Board of
7 Education member.

8 Q And what State Board of Education member
9 was that?

10 A It would have been Larry Winter.

11 Q What were the circumstances under which
12 Mr. Winter informed you of the litigation?

13 A He shared with me the report of findings
14 that was done by the U.S. Department of Justice.

15 Q And when he shared with you the report of
16 findings by the Department of Justice, did he say
17 anything to you?

18 A What do you mean?

19 Q Did you have a conversation with him about
20 it?

21 A Yes.

22 Q And what was the nature of that
23 conversation?

24 A He asked me to consider returning from
25 retirement and working with the Department of

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1 Education, State Board of Education, to review the
2 State Board of Education policy or rule, the GNETS
3 rule, and make recommendations to the State Board of
4 Education.

5 He asked me to review the procedures for
6 implementing at that time the current State Board of
7 Education rule for GNETS and make recommendations.

8 And he asked me to find a way to
9 collaborate with -- within the agency -- divisions
10 within the department, as well as any external
11 agencies that we could think of to support students
12 who may have disabilities.

13 Q Okay. Did you have a preexisting
14 professional relationship with Mr. Winter?

15 A I worked for the Georgia Department of
16 Education.

17 Q So you knew Mr. Winter through your prior
18 employment with the Georgia Department of Education?

19 A Yes.

20 Q What is your understanding of the nature
21 of this lawsuit?

22 A I understand that the U.S. Department of
23 Education investigated the GNETS programs, created a
24 document or a report of various findings, and as a
25 result of that, those findings, here we are today.

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1 Q Okay. I take it from your responses that
2 you're not only familiar with this lawsuit but also
3 with the GNETS program itself? Is that fair?

4 A Yes, that is fair.

5 Q When did you first become acquainted with
6 the GNETS program?

7 A Um, I cannot tell you an exact date, but
8 when Mr. -- when Mr. Winter mentioned it, I -- well,
9 actually, when I was a classroom teacher I knew
10 about GNETS, but I can't -- I don't have a specific
11 date that I can tell you.

12 Q Okay. But you knew about GNETS when you
13 were a classroom teacher?

14 A At that time. It was a different name,
15 but yes.

16 Q Okay. And I presume you were a classroom
17 teacher before joining the Georgia Department of
18 Education?

19 A That's correct.

20 Q At the time that you were employed by the
21 Georgia Department of Education but before having
22 this conversation with Mr. Winter, were you aware of
23 the GNETS program?

24 A Yes.

25 Q What is the GNETS program?

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1 A It is a program that has several programs
2 throughout the State defined to provide therapeutic
3 and educational services for students with severe
4 emotional and behavioral disorders, provided that
5 those students have been referred to the program
6 through an IEP placement at the local school
7 district or school level.

8 Q How is the GNETS program structured?

9 A There are regional GNETS programs. Each
10 GNETS program has a director and staff. They have a
11 fiscal agent and they are most likely regional.

12 There are several structures or standalone
13 centers. Some are classrooms and some may be hybrid
14 programs.

15 Q When you say some are hybrid programs,
16 what do you mean?

17 A Meaning that some may not be -- some may
18 be a part of -- their location -- they may have a
19 central office but they may also have an additional
20 site.

21 Q And when you say they might have a central
22 office, are you saying they may have a center --

23 A Yes.

24 Q -- as well as an additional site?

25 A Yes.

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1 Q How many regional GNETS programs are
2 there?

3 A My best recollection, 24.

4 Q And is there some geographic component to
5 the students that those regional programs serve?

6 A I know they serve students within a
7 geographical area.

8 Q Do the regional GNETS programs serve more
9 than one school district?

10 A Yes.

11 Q What is the goal of the GNETS program?

12 A The goal of the GNETS program is to
13 provide intensive support for behavioral and
14 emotional -- for students with behavioral and
15 emotional disabilities that are severe enough that
16 the student has been -- a part of the services have
17 been identified in the student's IEP, and those
18 students then would receive services through,
19 through GNETS.

20 Q Are there any other goals of the GNETS
21 program?

22 A That encompasses my understanding of what
23 the goal of the GNETS program is.

24 Q So is it fair to say the primary goal of
25 the GNETS program is to provide these intensive

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1 supports for students with severe emotional and
2 behavioral disabilities?

3 A Yes.

4 Q And when the GNETS program provides those
5 intensive supports, to what end are those supports
6 being provided?

7 A Explain to what end.

8 Q What are you trying to accomplish for the
9 students who are receiving those intensive supports?

10 A They are trying -- the GNETS services
11 would be trying to make sure the students they are
12 providing those services to are actually getting a
13 quality education, they're meeting the goals in the
14 students -- the educational goals as well as any
15 other goals identified in the student's IEP.

16 Q Okay. Is the goal for students enrolled
17 in GNETS to remain in GNETS long-term?

18 A Define enrolled.

19 Q Is the goal for students who receive GNETS
20 services for them to receive services in a GNETS
21 environment long-term?

22 A My, my opinion about my -- my professional
23 opinion about that is no.

24 I hesitate because it would depend on the
25 student's IEP. The length of time the student

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1 receives services through GNETS is dependent on what
2 is in the student's IEP and how quickly the student
3 is reaching the goals identified in the IEP.

4 Q So when you say your professional opinion,
5 is that GNETS students --

6 MS. GARDNER: Strike that.

7 BY MS. GARDNER:

8 Q It sounds like what you're saying is in
9 your professional opinion the ideal situation is not
10 for GNETS students to receive services in a GNETS
11 environment long-term? Is that -- am I
12 understanding you correctly --

13 MS. HERNANDEZ: Objection.

14 Q -- in terms of the ideal?

15 You can answer the question.

16 MS. HERNANDEZ: You can answer.

17 A I can't make that determination because
18 the length of time that a student is receiving
19 services is strictly dependent upon what is in the
20 IEP.

21 MS. GARDNER: I am going to hand the court
22 reporter what I'm going to request be marked as
23 Plaintiff's Exhibit 56.

24 (WHEREUPON, Plaintiff's Exhibit-56 was
25 marked for identification.)

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1 BY MS. GARDNER:

2 Q Ms. Keith Brown, the court reporter has
3 just handed you Plaintiff's Exhibit 56. This is an
4 email chain with the most recent email being one
5 from you to Nakeba Rahming, sent on March 16, 2015,
6 with the subject "Re: CPI Training."

7 The first page of this document is
8 Bates-stamped GA00481564.

9 Is this an email you wrote to Nakeba
10 Rahming?

11 (Witness reviews exhibit.)

12 A I've read -- I finished reading, and your
13 question is?

14 Q My question is at the top of this
15 document, is this an email that you wrote to Nakeba
16 Rahming?

17 A I would assume so. I wouldn't remember.
18 It was 19 -- it was 2016.

19 Q Do you have any reason to believe that you
20 did not write this email?

21 A No, I do not.

22 Q Who is Nakeba Rahming?

23 A Nakeba Rahming was the program director
24 for the GNETS program. I may not have her title
25 completely accurate.

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1 Q And when you say program director for the
2 GNETS program, who was Ms. Rahming's employer?

3 A She was the Georgia -- she was an employee
4 of the Georgia Department of Education.

5 Q You note in this email, you say: "I think
6 it is important for the GNETS to understand the goal
7 of the GNETS program is to transition students back
8 to their LRE and as much as possible, in the general
9 education program."

10 Have I read that correctly?

11 A Yes, you read it correctly.

12 Q What is LRE?

13 A LRE is least restrictive environment.

14 Q And what does that mean?

15 A Least restrictive environment. That
16 wherever possible the student is in the general
17 education classroom with his or her peers, with
18 support services in that classroom, depending on the
19 needs of the students. It may -- they may need
20 different services depending on what you identified
21 in the IEP.

22 THE VIDEOGRAPHER: Can we take a quick
23 break.

24 We're off the record at 9:44 a.m.

25 (A recess was taken.)

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1 THE VIDEOGRAPHER: We're back on the
2 record at 9:49 a.m.

3 BY MS. GARDNER:

4 Q Ms. Keith Brown, before we went off the
5 record we were talking about least restrictive
6 environment, right?

7 A Yes.

8 Q Am I correct in understanding from your
9 response that the baseline for least restrictive
10 environment is the general education classroom?

11 A Yes.

12 Q And the further a student is moved away
13 from the general education classroom, the more the
14 restrictive the environment is considered?

15 A Yes.

16 Q Here in your email you say: "The goal of
17 the GNETS program is to transition students back to
18 their LRE and as much as possible, in the general
19 education program," right?

20 A Correct.

21 Q When you say "as much as possible," "the
22 general education program," are you identifying the
23 general education program as the ideal?

24 A Yes.

25 Q And would you agree that the GNETS program

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1 is a more restrictive environment than the general
2 education program?

3 MS. HERNANDEZ: Objection.

4 A Yes.

5 MS. HERNANDEZ: You can answer.

6 A Yes.

7 Q So you agree that the GNETS program is a
8 more restrictive environment than the general
9 education program?

10 A Yes. In some instances, depending on the
11 student's IEP, that would be correct.

12 Q Does LRE refer to anything other than the
13 general education program?

14 A I don't understand your question.

15 Q Let me ask it a different way.

16 Have you heard of the continuum of
17 services?

18 A Yes.

19 Q And what is a continuum of services?

20 A Continuum of services are services that
21 provide support to students on, on a continuum. So
22 you start from least restrictive through -- to most
23 restrictive, to even residential placement.

24 Q On the continuum of services, what were
25 the alternatives to GNETS?

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1 A There isn't a list of services that are on
2 a continuum of services. So there is not a sheet of
3 paper with a list of services. It would depend on
4 what services a student would need.

5 Is, is my answer --

6 Q Okay. This response in the email that
7 we've been looking at arose in the context of an
8 email exchange involving a director of a regional
9 GNETS program; is that right?

10 A That's correct.

11 Q The director involved is the director of
12 Mainstay GNETS, correct?

13 A That is correct.

14 Q That director's name is Chris Briggs?

15 A That is correct.

16 Q Mr. Briggs emailed Nakeba Rahming
17 requesting advice, and Ms. Rahming forwarded that
18 email chain to you. Is that right?

19 A That's correct.

20 Q And in particular, after explaining the
21 situation at hand, he says, quote: "Having said all
22 of that, I do need some direction pretty quickly so
23 I can respond and have a conversation about this."

24 Is that an accurate -- I can direct you to

25 --

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1 A Yes, please.

2 Q If you look at the Bates number at the
3 bottom, it's the document ending in 565.

4 Do you see that page?

5 A Yes.

6 Q And about a third of the way up the page,
7 just before Mr. Briggs signs his name.

8 Go down a little bit further. Down, down.

9 A Yes.

10 Q Okay. So Mr. Briggs is requesting
11 direction from Ms. Rahming; is that fair?

12 A Yes.

13 Q And then Ms. Rahming in this email chain
14 in turn is consulting you about the direction that
15 she should give Mr. Briggs. Is that fair?

16 A Yes.

17 Q Was it part of your job to provide
18 guidance to Ms. Rahming about issues related to the
19 GNETS program?

20 A Yes.

21 Q You mentioned earlier in your response
22 about structure of the GNETS program that each GNETS
23 program has a director and I believe you referenced
24 a fiscal agent. Am I recalling that correctly?

25 A Yes.

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1 Q And what is a fiscal agent?

2 A A fiscal agent in this particular instance
3 is the agency receiving funding from the Georgia
4 Department of Education, along with the funding, the
5 responsibility for appropriately accounting for the
6 expenditure of those funds.

7 Q When you say the agency receiving funds
8 from the Georgia Department of Education, that's the
9 agency receiving funds for the GNETS program from
10 the Department of Education?

11 A That is correct.

12 Q What kinds of agencies, as you refer to
13 them, serve as fiscal agents for GNETS programs?

14 A RESA, Regional Education Services
15 Agencies. They would serve -- some of them would
16 serve as fiscal agents for GNETS.

17 I can't recall specifically but there may
18 be an instance where a local agency may serve as the
19 fiscal agent.

20 Q Any other agencies serve as fiscal agents
21 for regional GNETS programs?

22 A Not that I can recall.

23 Q I want to take a step back and talk a bit
24 about your professional background.

25 You are currently retired; is that

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1 correct?

2 A That's correct.

3 Q How long have you been retired?

4 A Since 2015, from the Georgia Department of
5 Education, and since 2018 I didn't retire from the
6 Department of Behavioral Health and Developmental
7 Disabilities but I resigned that position.

8 Q So you retired in 2015 from the Georgia
9 Department of Education?

10 A Correct.

11 Q And then I take it you returned to work
12 some time after you retired from the Georgia
13 Department of Education?

14 A Correct.

15 Q And did you return to work in response to
16 this request from Mr. Winter that we discussed
17 earlier?

18 A Yes.

19 Q How long after you retired from the
20 Georgia Department of Education did you return to
21 work?

22 A I retired from the Georgia Department of
23 Education in August of 2015, and I started to work
24 with the Department of Behavioral Health and
25 Developmental Disabilities in September of 2015.

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1 Q And then I believe you said that you
2 resigned your position with DBHDD in 2018?

3 A Correct.

4 Q And just to clarify, DBHDD is the acronym
5 used for the Georgia Department for Behavioral
6 Health and Developmental Disabilities, correct?

7 A Correct.

8 Q So if I use the phrase "DBHDD," you'll
9 understand that to mean the agency that employed you
10 between September of 2015 and when you resigned the
11 position in 2018?

12 A Correct.

13 Q What was your official title at DBHDD when
14 you retired in 2018?

15 A Director.

16 Q Director?

17 A Yes.

18 Q And how long did you hold that title?

19 A From September of 2015 until I resigned in
20 March of 2018.

21 Q How did you come to hold that title?

22 A I'm not -- I don't understand your
23 question.

24 Q Well, so you told me earlier that Mr.
25 Winter approached you to ask if you would consider

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1 taking on a position to help review the GNETS
2 program.

3 A Okay.

4 Q Mr. Winter is a part of the State Board of
5 Education, correct?

6 A Correct.

7 Q So I'm asking, how did you come to be a
8 director at DBHDD?

9 A Now I understand.

10 That position -- they had a vacancy in
11 that agency at that position.

12 Q So was your assumption of the role of
13 director at DBHDD a matter of funding your position,
14 or was there another reason you became director at
15 DBHDD?

16 A Ask me that again.

17 Q Sure. I'm just -- you said there was a
18 vacancy at DBHDD for the director position, correct?

19 A No.

20 Q No?

21 A I said there was a vacancy for a director
22 and the funding for my position was appropriated to
23 DBHDD to fill the director's position that was
24 there, but it was not a GNETS position.

25 Q Okay. And when you say the funding for

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1 your position was appropriated to DBHDD to fill the
2 director's position, where was that funding
3 appropriated from?

4 A I'm not sure the source of the funding.

5 Q Had you ever held any other title within
6 DBHDD before you became a director?

7 A No.

8 Q I think you've already said that you
9 worked at the Georgia Department of Education before
10 joining DBHDD. What role or roles did you hold at
11 the Georgia Department of Education when you were
12 there?

13 A When I retired, I retired as the associate
14 superintendent for Georgia's Race to the Top grant.

15 Q Did you hold any other position within the
16 Georgia Department of Education before serving as
17 associate superintendent for Georgia's Race to the
18 Top grant?

19 A I did. I was associate superintendent for
20 School Improvement, deputy superintendent for Policy
21 and External Affairs, associate superintendent for
22 Federal Programs, director for Title I under the
23 Elementary and Secondary Education Act.

24 I worked in Curriculum Instruction and
25 Assessment. I do not remember the title.

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1 I worked in the Technology Services. I
2 don't remember the title. Education specialist or
3 something like that.

4 And then I worked in School Improvement as
5 a school improvement specialist.

6 I worked as a media -- I worked in the
7 media -- the School Library and Media Division as a
8 consultant.

9 Q It sounds like you have a long history
10 with the Georgia Department of Education?

11 A Yes.

12 Q How long had you worked at the Georgia
13 Department of Education when you retired in 2015?

14 A Approximately 26 years.

15 Q In any of the roles that you held at the
16 Georgia Department of Education before retiring in
17 2015, did you have any official responsibilities
18 that related to the GNETS program?

19 A No.

20 Q During the time that you were employed
21 with the Georgia Department of Education before
22 retiring in 2015, had you ever had occasion to hear
23 about the 2010 audit of the GNETS program?

24 A Before I retired, was your question?

25 Q Uh-hum.

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1 A Yes.

2 Q And in what context did you learn about
3 that audit?

4 A I had a conversation with Larry Winter.

5 Q And what did you and Mr. Winter discuss in
6 that conversation?

7 A He shared the report with me and asked me,
8 particularly based on my background in policy, would
9 I review the State Board rule for GNETS and make
10 recommendations, would I consider reviewing the
11 Department of Education's procedures for
12 implementing that rule, and would I coordinate
13 conversations and pulling together the appropriate
14 people for determining any resources or support
15 services that were available throughout the State
16 and within the Georgia Department of Education.

17 Q And this conversation was in connection
18 with the 2010 audit?

19 A That is correct.

20 Q Did you take action related to the areas
21 that Mr. Winter requested of you following that
22 conversation?

23 A He asked me to think about it, and I
24 thought about it.

25 Q And what did you conclude after you

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1 thought about it?

2 A I concluded that my experience working in
3 policy and my knowledge of how the State agency --
4 how the Georgia Department of Education worked and
5 my ability to coordinate conversations among people
6 and among state agencies, that I would be able to do
7 what he asked me to do.

8 Q So then am I correct in understanding you
9 did do what he asked you to do?

10 A Yes. Once I was hired, I did.

11 Q And when you say once you were hired, are
12 you referring to once you were hired in 2015?

13 A Yes.

14 Q So help me understand this conversation
15 that you had with Mr. Winter about the 2010 GNETS
16 audit. What was the approximate time frame of that
17 conversation?

18 A We had a discussion in August of 2015,
19 before I retired.

20 Q So you learned about the 2010 audit close
21 in time to when you accepted the position at DBHDD
22 in 2015?

23 A Yes.

24 Q What were your primary responsibilities as
25 director at DBHDD?

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1 A I was to review the State Board of
2 Education policy -- GNETS' policy, make
3 recommendations.

4 I was to review operations manuals and
5 review the staff responsible for accountability for
6 grant funds for GNETS.

7 I was to coordinate within the Georgia
8 Department of Education different divisions and with
9 DBHDD to determine if there were services that were
10 provided or information that local school districts
11 and other agencies, like partners, who would have
12 had an interest in services to students with
13 disabilities, and made recommendations.

14 Q In discharging these responsibilities, in
15 particular the areas where you were asked to make
16 recommendations, did you reduce those
17 recommendations to writing in some form?

18 A I don't know. It's likely that I did, but
19 I -- that would have been in '15, '16, and I just
20 don't remember.

21 Q I take it, though, that your
22 recommendations didn't culminate in some big, single
23 report where you had everything outlined?

24 A That is correct.

25 Q But you may have produced written work

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1 product across the time that you worked at DBHDD
2 that reflected your recommendations?

3 A That is correct.

4 Q At the time that you were director at
5 DBHDD, what was the role of DBHDD in the GNETS
6 program?

7 A My knowledge at that time, they did not
8 have a role in the GNETS program. The purpose of
9 meeting with them and working in DBHDD was to learn
10 about the services that were available to families,
11 including children who might be children with
12 disabilities.

13 Q So DBHDD did not have a role in the GNETS
14 program?

15 A Not to my knowledge at that time.

16 Q But you said the purpose of meeting with
17 DBHDD was to learn about services available to
18 families, including children with disabilities. Was
19 the point of learning about those services to figure
20 out whether there were opportunities to capitalize
21 on those services in the GNETS program?

22 Why were you learning about those
23 services?

24 A I was learning about those services to
25 communicate with the Department of Education,

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1 Special Education Division, and with GNETS about
2 services that were available through DBHDD.

3 Q Who did you report to at DBHDD?

4 A I reported directly to the Commissioner.

5 Q And who was the Commissioner at that time?

6 A When I -- by the time I resigned, it would
7 have been Dr. Judy Fitzgerald. And before then,
8 when I actually started, it would have been -- I
9 cannot remember his name, but he went to the
10 Department of Community Health.

11 Q Was the Commissioner at the time you
12 started in 2015 Frank Berry?

13 A Yes.

14 Q How long had Ms. Fitzgerald been
15 Commissioner when you resigned in 2018?

16 A I don't know exactly the length of time.

17 Q When you say you reported directly to the
18 Commissioner, what did the structure for your
19 reporting to the Commissioner look like?

20 A I met with the Commissioner and the
21 Commissioner's staff once per week to -- most often
22 once per week to make sure that I understood if
23 there were -- additional services were available; to
24 make sure if I had any questions about how to access
25 those services; that that would -- I would have

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1 clear, clear communication about that; to make sure
2 that if I needed recommendations, for example, on
3 who else to bring to the table from the Georgia
4 Department of Education, who were those people.

5 Q And to clarify, the weekly meeting that
6 you are referring to, was that a weekly meeting with
7 the Commissioner, him or herself, or weekly meeting
8 with someone on the Commissioner's staff?

9 A Most often I met with the Commissioner and
10 staff once per month, but at least weekly I was
11 on-site at DBHDD.

12 Q So you met with the Commissioner and their
13 staff once per month?

14 A Yes.

15 Q And then you were on-site at DBHDD at
16 least weekly?

17 A Yes.

18 Q Did anyone report to you while you were
19 director at DBHDD?

20 A No.

21 Q These monthly meetings that you had with
22 the Commissioner and their staff, who typically was
23 in attendance at those meetings?

24 A The Commissioner, the person responsible
25 for a grant program called Apex. I do not recall

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1 her name.

2 Most often those two people were there.

3 When Frank Berry was the Commissioner, Dr.
4 Fitzgerald was there.

5 And depending on our conversation, other
6 staff members from DBHDD may join the conversation.

7 Q So the regular participants, it sounds
8 like, were the Commissioner and the person
9 responsible for the grant program called Apex?

10 A Correct.

11 Q And then you may have had additional DBHDD
12 staff attending the meetings depending on what was
13 being discussed that particular month?

14 A Correct.

15 Q Were there agendas for these meetings
16 prepared in advance?

17 A No formal agenda.

18 Q Did you all take minutes or any notes
19 documenting any sort of follow-up coming out of
20 these?

21 A Not in a formal way. I may have taken
22 notes, which is very likely that I did.

23 Q But no formal minutes or anything like
24 that maintained in a systematic way?

25 A That's correct.

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1 MS. GARDNER: I am handing the court
2 reporter what I'm going to request be marked as
3 Plaintiff's Exhibit 57.

4 (WHEREUPON, Plaintiff's Exhibit-57 was
5 marked for identification.)

6 BY MS. GARDNER:

7 Q Ms. Keith Brown, the court reporter has
8 handed you what is marked as Plaintiff's Exhibit 57.
9 This is an email chain. The email at the top of
10 that chain is an email from you to Judy Fitzgerald,
11 Terry Caldwell, and Frank Berry.

12 The subject is "FWD: Letter of Findings."

13 The email is dated August 19, 2016, and
14 the first page of this document bears the Bates No.
15 GA00197636.

16 This is an email that you sent to Judy
17 Fitzgerald, Terry Caldwell, and Frank Berry?

18 A Yes.

19 Q You mentioned that during part of your
20 time at DBHDD Frank Berry was the Commissioner and
21 that Judy Fitzgerald then took over at some point;
22 is that right?

23 A Correct.

24 Q Was there some period of time during which
25 they both were at DBHDD at the same time?

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1 A Yes.

2 Q You say in this email you thought "it
3 might be helpful for you to have the Letter of
4 Findings from DOJ in preparing for our Monday
5 meeting."

6 Do you see that?

7 A Yes.

8 Q Is this referring to one of the monthly
9 meetings that we just discussed?

10 A Yes.

11 Q What was the nature of that meeting?

12 A What was the nature of the meeting on
13 Monday 2016?

14 Q Well, why did you think it would be
15 helpful to them to have the letter of findings from
16 DOJ in preparation for your meeting?

17 A I wanted them to understand the bigger
18 picture of why I was hired and what my -- why I was
19 looking at procedures, policies, looking at --
20 looking at policies for the Georgia Department of
21 Education, looking at procedures for the Department
22 of Education, and trying to pull together different
23 agencies, and I thought this would be helpful for
24 them.

25 Q And how did you think the DOJ letter of

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1 findings would be helpful for them?

2 A I think it was important for them to know
3 what I knew.

4 Q So I take it then that the group of people
5 to whom you circulated the letter of findings in
6 this email were not previously familiar with that
7 letter of findings?

8 A I can't answer that.

9 Q So you didn't know whether they were or
10 not, but you wanted to make sure they had access to
11 it?

12 A Correct.

13 Q Okay. We've talked a bit about the people
14 that you worked with on a regular basis within DBHDD
15 while you were director. Is there anyone who you
16 met with on a regular basis within DBHDD that we
17 have not talked about yet?

18 A I can't recall anyone.

19 Q Okay. Did you work on a regular basis
20 with anyone outside of DBHDD to discharge your
21 responsibilities when you were a director?

22 A Yes.

23 Q And where outside of DBHDD were those
24 people who you worked with on a regular basis?

25 A The Georgia Department of Education.

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1 Q Anywhere else?

2 A No.

3 Q What was the role of the Georgia
4 Department of Education in the GNETS program?

5 A The role of -- from my understanding, the
6 role was to ensure that the funding from -- that was
7 appropriated was given, allocated to the GNETS, and
8 that the Division of Special Education would have
9 provided support or professional learning if they so
10 -- if they asked for professional learning to GNETS.

11 Q Any other roles?

12 A No. I'm not -- I can't recall any.

13 Q Who at the Georgia Department of Education
14 did you work with on a regular basis when you were
15 director at DBHDD?

16 A I worked very closely with Nakeba Rahming
17 after she was hired. I worked closely with the
18 Facilities Division, specifically with Mike Rowland.

19 I worked closely with the Policy Division
20 when the GNETS rule was going through negotiated
21 rulemaking.

22 I worked closely with -- at that time her
23 name -- Debbie Gay, the director of Special
24 Education.

25 There may have been others, but those are

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1 the ones that come to mind immediately.

2 Q Did you work on a regular basis with Matt
3 Jones?

4 A Yes. Matt Jones was the chief of staff.
5 I kept him informed about the work. About my work.

6 Q Did you work on a regular basis with
7 Zelphine Smith-Dixon?

8 A I worked with Zelphine.

9 Q And what did you work with her on?

10 A She was the director of Special Education,
11 if I'm not mistaken, and Debbie Gay was the
12 associate superintendent. So I would have -- if I
13 had any questions, if I -- if she was planning
14 professional learning for GNETS, I would have
15 attended those special learning -- professional
16 learning sessions.

17 Q Did you work on a regular basis with
18 Vickie Cleveland?

19 A When she was first hired, yes, I did.

20 Q And she was hired into what position?

21 A I don't recall her position. I remember
22 when she was rehired -- when she was hired.

23 Q What did you work with her on when she was
24 hired?

25 A I believe, the best of my recollection,

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1 was working on the strategic plan, the GNETS
2 strategic plan, and I provided guidance if she had
3 any questions in her day-to-day work.

4 Q What about Kachelle White, did you work
5 with her?

6 A I don't recall the name.

7 Q Scott Dorsey?

8 A I don't recall.

9 Q Monica Henderson?

10 A I worked with a Monica at DBHDD. She was
11 the person who worked with the Apex program, but she
12 got married and so I'm not sure if that's the same
13 Monica.

14 Q Okay. Going back now that you have --
15 well, before we go back, is there anyone else who
16 you worked with regularly at the Georgia Department
17 of Education while you were a director at DBHDD who
18 we haven't named yet?

19 A Not that I recall at this moment.

20 Q You said you worked very closely with Ms.
21 Rahming?

22 A Yes.

23 Q What did you work with her on while you
24 were a director?

25 A I provided guidance to her for developing

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1 the strategic plan, revising the manual for GNETS.

2 I made recommendations for professional
3 learning.

4 I guided her through the negotiated
5 rulemaking process for the Georgia Department of
6 Education for the GNETS rule.

7 I was available to her to provide any
8 technical assistance on questions that she may have.

9 I introduced her to key state people I
10 thought would help her to gain the knowledge of
11 resources that she may need as she took over the --
12 as she stayed in her position.

13 Q Remind me again what her position was.

14 A She was program manager or director for
15 GNETS at the Georgia Department of Education.

16 Q Okay. Thank you.

17 Then you said you worked with Michael
18 Rowland, who was involved with the Facilities
19 Division?

20 A Yes.

21 Q And what did you work with Mr. Rowland on?

22 A I worked with Mike Rowland on the capital
23 outlay project for facility -- for GNETS facilities.

24 Q And what was the capital outlay project
25 for GNETS facilities?

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1 A The capital outlay project was funding
2 that was provided -- or appropriated by the General
3 Assembly to -- for the GNETS facilities, for repair
4 and improvement in the GNETS facilities.

5 Q You mentioned that you worked on a regular
6 basis with Georgia Department of Education staff in
7 the Policy Division related to GNETS rulemaking?

8 A Yes.

9 Q Who specifically in the Policy Division
10 did you work with on that?

11 A That would have been Dr. Garry McGiboney.

12 Q And how specifically did you work with Mr.
13 McGiboney?

14 A I worked with him on discussion of the
15 rulemaking process for the GNETS rule. We talked
16 about the -- if the rule needed revising, and if so,
17 what procedures we needed to go through to make that
18 happen.

19 Q Okay. In your conversations with Mr.
20 McGiboney, did you conclude that the rule did need
21 revising?

22 A Yes.

23 Q And what was that conclusion based on?

24 A I reviewed the rule. We -- I received
25 input from Nakeba and other staff members at the

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1 Georgia Department of Education, and we determined
2 that it would -- we needed to revise the rule.

3 Q When you say you received input from Ms.
4 Rahming and other staff at the Georgia Department of
5 Education, who were those other staff at the Georgia
6 Department of Education who provided input?

7 A It would have been Debbie Gay
8 specifically, and there may have been other staff
9 that Nakeba talked with, but specifically Debbie Gay
10 and Nakeba.

11 Q And when you concluded that the rule
12 needed revising, what was it that counseled in favor
13 of revising the rule?

14 A We had -- Nakeba and I had conversations
15 around making it clear about -- making the State
16 Board of Education's intent clear on how school
17 districts and schools should access GNETS services
18 is what that processed looked like and what the
19 intent of GNETS services were.

20 We wanted to make sure that was clearly
21 specified in the rule.

22 Q Prior to engaging in this GNETS
23 rulemaking, was it your conclusion that the
24 preexisting rule was not clear about those things?

25 A Not so much that it wasn't clear, but that

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1 the rule could be made more clear based on the time
2 that we were in and based on Nakeba's experiences
3 and based on the fact that it had been a number of
4 years before the rule had been revised.

5 Q At the time you were having these
6 conversations, what had been the -- do you recall
7 what the most recent revision of the rule had been?

8 A Oh, I do not recall that.

9 Q You mentioned also that you worked on a
10 regular basis with Debbie Gay?

11 A Yes.

12 Q What did you work with her on?

13 A The GNETS rule, the manual -- the
14 procedures manual for GNETS.

15 I worked with her on -- she helped me to
16 understand whatever questions I may have had about
17 the rule, what something may have meant in the rule
18 that I may not have had any understanding.

19 So she provided that guidance to me.

20 We worked together to hire a position,
21 program manager, director, for GNETS. But generally
22 she was my technical assistance person for things
23 that I may not have understood.

24 Q As a director at DBHDD, did you work on a
25 regular basis with any of the RESAs?

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1 A No.

2 Q What about GNETS directors?

3 A No.

4 MS. GARDNER: I am handing the court
5 reporter what I'm going to request be marked as
6 Plaintiff's Exhibit 58.

7 (WHEREUPON, Plaintiff's Exhibit-58 was
8 marked for identification.)

9 BY MS. GARDNER:

10 Q Ms. Keith Brown, the court reporter has
11 handed you Plaintiff's Exhibit 58, which is an email
12 from you to Scott Austensen, dated October 2, 2015,
13 with the subject line "Clara's Contact Info."

14 And this document is Bates-stamped
15 GA00481477.

16 A Yes.

17 Q This is your email that you sent to Mr.
18 Austensen?

19 A Yes.

20 Q Who is Scott Austensen?

21 A At the time, Scott Austensen would have
22 been the chief financial officer at the Georgia
23 Department of Education.

24 Q Did you work with Mr. Austensen while you
25 were a director at DBHDD?

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1 A No.

2 Q In this email you advise Mr. Austensen
3 that you're now with DBHDD; is that right?

4 A That is correct.

5 Q And you say, quote: "I'm providing
6 oversight and supporting the GaDOE's GNETS program."
7 Is that right?

8 A Correct.

9 Q The reference here to GaDOE means the
10 Georgia Department of Education?

11 A Correct.

12 Q We've talked a bit about your job
13 responsibilities, but I want to be sure that I'm
14 clear here.

15 When you say you're providing oversight,
16 in what ways did you understand yourself to be
17 providing oversight of GaDOE's GNETS program?

18 A Oversight for the revision of the GNETS
19 rule, oversight for the updating of the procedural
20 manual, oversight for making sure that divisions
21 within the Georgia Department of Education were
22 working together to -- particularly on the
23 facilities program. And oversight for making sure
24 that the Georgia Department of Education knew who --
25 what resources existed outside or external of the

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1 Georgia Department of Education.

2 Q In this email you say you were in Twin
3 Towers two to three days per week. What does that
4 mean?

5 A I went to work at Twin Towers, which is
6 the Georgia Department of Education, for two to
7 three days per week.

8 Q So Twin Towers is the Georgia Department
9 of Education building?

10 A That is correct.

11 Q You were working full-time at the time you
12 sent this email?

13 A Yes.

14 Q And so the remaining days of the week, I
15 take it, you were at DBHDD?

16 A Yes, unless I was offsite doing other
17 work, yes.

18 Q And in what circumstances would you do
19 work offsite?

20 A I would have attended professional
21 learning opportunities with Nakeba. I would have
22 met with Nakeba at a particular GNETS if she needed
23 me to be there.

24 I attended all of the rulemaking sessions
25 which were outside of the Atlanta area, outside of

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1 the Georgia Department of Education.

2 MS. GARDNER: I am handing the court
3 reporter a document that I'm going to request
4 be marked as Plaintiff's Exhibit 59.

5 (WHEREUPON, Plaintiff's Exhibit-59 was
6 marked for identification.)

7 BY MS. GARDNER:

8 Q Ms. Keith Brown, the court reporter has
9 handed you Plaintiff's Exhibit 59. This is an email
10 from Debbie Caputo to you, sent on March 9, 2018,
11 and the subject is "Fwd: Returning to Retirement."

12 A Yes.

13 Q The first page of this email is
14 Bates-stamped GA00152948.

15 This is an email that you received from
16 Debbie Caputo?

17 A Yes.

18 Q And this email is a forwarded email
19 message; is that right?

20 A Yes.

21 Q Am I correct in understanding that if you
22 look at the sort of bottom of the first page and
23 then on to the second page, that this is a
24 communication from you to the State Board of
25 Education members around the time that you resigned

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1 your position as director at DBHDD?

2 A Yes.

3 Q And if you look at the last paragraph on
4 the first page, you say: "Ensuring all children
5 receive a quality education is not easy,
6 particularly for our most vulnerable children."

7 Do you see that?

8 A Yes.

9 Q In what ways was it not easy ensuring the
10 most vulnerable children receive a quality
11 education?

12 A It's hard work.

13 Q I'm asking just what were the things that
14 made you say that?

15 A 26 years of working at the Georgia
16 Department of Education and, in many departments,
17 thinking about some of the students who are in
18 school districts without a lot of resources,
19 thinking about children who live in poverty, because
20 that's what I worked mostly with, are students who,
21 you know, lived in poverty. And it's challenging to
22 overcome some of those needs.

23 Q Did the, quote, "most vulnerable children"
24 that you refer to here include students in GNETS?

25 A Not specifically. It included all -- any

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1 vulnerable children.

2 Q So my question was, would GNETS students
3 have been included in that, or are you saying
4 they're not a part of that group?

5 MS. HERNANDEZ: Objection.

6 Q You can answer the question.

7 MS. HERNANDEZ: You can answer.

8 A This statement is a statement that I made
9 because of the long history that I have with working
10 with children who I consider to be vulnerable. It
11 could include any vulnerable child or any vulnerable
12 children. It does not exclude GNETS students.

13 Q Do you consider students with severe
14 emotional and behavioral disabilities to be
15 vulnerable?

16 MS. HERNANDEZ: Objection.

17 You can answer.

18 You can answer.

19 A No, not -- not in the sense that without
20 supports they would be vulnerable. I would not make
21 that as a general statement, no.

22 Q But is it your -- is what I just heard you
23 to say that if those students don't have supports,
24 then they are vulnerable?

25 MS. HERNANDEZ: Object. You can answer.

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1 Q You can answer.

2 A Yes, I would say they would be vulnerable.

3 Q You go on to say, a couple of sentences
4 later: "However, I am confident that GNETS has
5 accountable, competent, caring staff and State Board
6 Members who fully understand GaDOE's role in
7 ensuring children are getting the best possible
8 service in the least restrictive environment."

9 Do you see that?

10 A Yes.

11 Q What did you mean when you said GNETS has
12 accountable staff and State Board Members?

13 A Accountable staff, I meant people at the
14 Georgia Department of Education who would work with
15 GNETS, who -- and hold GNETS accountable for looking
16 at the data, reviewing the data on children who were
17 receiving services through GNETS.

18 State Board Members because of --
19 specifically because of the approved rule, the rule
20 that was approved or passed by the State Board of
21 Education, where in the rule it specifies that the
22 -- that students are to receive services in the
23 least restrictive environment, and that was
24 comforting to me that it was spelled out in that
25 rule.

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1 Q So starting first with the way in which
2 State Board of Education members were accountable,
3 you reference the State GNETS rule that says that
4 students are to receive services in the least
5 restrictive environment?

6 A Yes.

7 Q That was the sort of accountable hook for
8 the State Board of Education?

9 A Yes.

10 Q And then I believe with respect to staff
11 -- and to clarify, does staff here refer to Georgia
12 Department of Education staff?

13 A Correct.

14 Q So for Georgia Department of Education
15 staff, the accountability there, as you said, is an
16 accountability -- help me repackage what you -- can
17 you just recap what you said in terms of how Georgia
18 Department of Education staff are accountable?

19 A They would -- specifically here, I'm
20 thinking -- I was thinking about Nakeba and staff
21 she worked with in terms of making sure that the
22 GNETS programs, the GNETS directors were collecting
23 data that they needed to make decisions -- to help
24 make decisions or inform local school districts and
25 schools, and any other -- I just felt there were

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1 staff in place to make sure that the rule was going
2 to be implemented the way the State Board of
3 Education intended for the rule to be implemented.

4 Q What prompted your decision to leave DBHDD
5 in 2018?

6 A It was personal.

7 Q Did anyone replace you in the role that
8 you had held as director at DBHDD?

9 A No. Not to my knowledge.

10 MS. GARDNER: We have been going for a
11 minute. It might be helpful to take a
12 ten-minute break.

13 THE WITNESS: That would be very helpful.

14 THE VIDEOGRAPHER: Off the record at 10:51
15 a.m.

16 (A recess was taken.)

17 THE VIDEOGRAPHER: We're back on the
18 record at 11:06 a.m.

19 BY MS. GARDNER:

20 Q We had started to talk about some of the
21 people at the Georgia Department of Education that
22 you worked with regularly, and in the context of
23 that you started to tell me a little bit about the
24 kinds of GNETS-related projects, if you will, that
25 you, that you worked on.

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1 I'm going to do my best to kind of group
2 those into some broad categories so that we can sort
3 of work from the same page in terms of some of the
4 big areas in which you worked on GNETS. Is that
5 okay?

6 A Yes.

7 Q Okay. So I believe that you told me that
8 one of the broad areas in which you worked on GNETS
9 related to a strategic plan; is that right?

10 A Yes.

11 Q A second area that you mentioned was a
12 GNETS manual?

13 A I reviewed that manual, yes.

14 Q What is a GNETS manual?

15 A It was a document providing guidance on
16 how to implement the GNETS rule.

17 THE VIDEOGRAPHER: I'm sorry, do you have
18 your mike back on?

19 THE WITNESS: You're good.

20 MS. GARDNER: Want me to start over?

21 THE VIDEOGRAPHER: No. Thank you.

22 BY MS. GARDNER:

23 Q So in addition to working on a strategic
24 plan for GNETS, you also worked on guidance for
25 GNETS?

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1 A Yes.

2 Q You mentioned that you worked on
3 rulemaking related to GNETS?

4 A Yes.

5 Q Some facilities related projects?

6 A Yes.

7 Q And then also you were involved in some
8 hiring related to GNETS?

9 A Yes.

10 Q Are there any other broad areas in which
11 your work related to GNETS that don't fall into one
12 of those buckets?

13 A No.

14 MS. GARDNER: I am going to hand the court
15 reporter what I would like to be marked as
16 Plaintiff's Exhibit 60.

17 (WHEREUPON, Plaintiff's Exhibit-60 was
18 marked for identification.)

19 BY MS. GARDNER:

20 Q Ms. Keith Brown, the court reporter has
21 handed you Plaintiff's Exhibit 60, which is an
22 appointment invitation from Nakeba Rahming sent to
23 herself and to you. The subject is "GNETS Planning
24 Meeting." The location says "Clara's Office."

25 The start time is February 8, 2016, 2:30

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1 p.m. This document bears the Bates-stamp
2 GA00481563.

3 Is this a calendar invitation that you
4 received from Ms. Rahming?

5 A Yes.

6 Q And correct that in this calendar
7 invitation Ms. Rahming says: "We will be meeting to
8 review and discuss our updates on our project plan,
9 strategic plan, data collection progress and outline
10 for a service delivery model"?

11 A Yes.

12 Q Did anyone else attend this meeting apart
13 from you and Ms. Rahming?

14 A I would not remember.

15 Q But the calendar invitation wasn't sent to
16 anyone except for you and Ms. Rahming?

17 A That's correct.

18 Q Of the things that are listed here as
19 subjects of your meeting, you've already told me
20 about just generally that you worked on a strategic
21 plan?

22 A Yes.

23 Q This calendar invitation references a
24 project plan. What is that?

25 A That would have been a plan that Nakeba

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1 had to outline the broad areas of work that I
2 mentioned earlier, revising the State Board rule,
3 looking at the operations manual to implement that
4 rule, and any collaboration with partners that we
5 were trying to establish.

6 Q And when you say it outlined the broad
7 areas of work, in what ways did it outline the broad
8 areas of work?

9 A An example would be with the strategic --
10 with the State Board of Education rule, the GNETS
11 rule, we would have defined the steps that we needed
12 to take. We would have defined a person responsible
13 for ensuring those steps were met.

14 We would have -- for that rule, for
15 example, we would have defined that we needed
16 geographical locations at varying times during the
17 day so as many stakeholders as possible could attend
18 the meetings.

19 Q And so I take it that plan included
20 multiple broad areas of work but one of which is,
21 you're using as an example, is GNETS rulemaking?

22 A Yes.

23 Q You also, it sounds like from this
24 calendar invitation, were planning to discuss data
25 collection progress?

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1 A Yes.

2 Q And what does that refer to?

3 A So that would have been Nakeba's project,
4 and she would have been updating me on data
5 collection. I don't recall the specific data
6 collection that she's referring here, but that would
7 have been Nakeba's responsibility.

8 Q Okay. So the data collection progress was
9 a project of Ms. Rahming's?

10 A Yes.

11 Q And in this meeting she would have just
12 been providing you with updates on how that project
13 was coming along?

14 A Correct. And I would have been providing
15 her my guidance on who she needed to talk to to make
16 that happen, if she needed my help.

17 Q Now, the strategic plan that's mentioned
18 here, whose project was that?

19 A That would have been Nakeba's project.

20 Q And what was then your role in the
21 strategic plan?

22 A I would -- I'm sorry.

23 I would have been there to provide
24 guidance, answer questions that I had knowledge
25 about, give -- an example would be if the State

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1 Board of Education rule is passed by the State Board
2 of Education, in the strategic plan we need to make
3 sure that GNETS directors have access to that plan
4 and that there is training on -- well, technical
5 assistance on that plan.

6 I would have been there to make sure that
7 was included.

8 Q Okay. Moving on, this calendar invitation
9 references outlining for a service delivery model?

10 A Yes.

11 Q What is that?

12 A I can't answer that question. That would
13 have been Nakeba.

14 Q So that would have been a project of Ms.
15 Rahming's?

16 A That is correct.

17 Q As with the data collection progress
18 project, is that a project of Ms. Rahming's that she
19 would have been providing you updates on?

20 A That's correct.

21 Q And likewise, with the project plan, was
22 that a project of Ms. Rahming's as well?

23 A It indicates that it is our project plan.
24 So Nakeba and I would have been working on this
25 together, on the project plan together.

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1 Q So for the project plan, you would not
2 have just been receiving updates and providing sort
3 of guidance and feedback, but you would have
4 actively worked on that?

5 A I would have provided feedback. I would
6 have asked about timelines. So I would have worked
7 on that.

8 Q Okay. Of the sort of broad areas that
9 we've talked about -- so, for example, the project
10 plan was something that was yours and Nakeba's --
11 are there other areas like that that you would
12 consider both yours and Ms. Rahming's?

13 A According to this email?

14 Q Just in general.

15 A Oh, just in general.

16 Yes.

17 Q And what are those other areas that would
18 have been considered both of your areas?

19 A Facilities, the work on facilities. The
20 work on the rule, the work on partner -- developing
21 the partnerships, looking at additional -- what
22 other resources were available within the State.

23 Q Did you and Ms. Rahming meet regularly to
24 discuss the updates in the four areas that are
25 outlined in this calendar invitation?

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1 A Yes.

2 Q How frequently would you meet?

3 A Formally, at least once per week.

4 Informally, two or three times per day, depending on
5 what we needed to work on.

6 Q Did anyone else participate on a regular
7 basis in your meetings with one another?

8 A Depending on what we were discussing. If
9 we were discussing facilities, facilities would be
10 there. If we were discussing a rule and we needed
11 someone from the Policy Division, someone from the
12 Policy Division would be there.

13 But this email is an example of the
14 opportunities that we took to work together.

15 Q Before we move on, I want to ask about
16 some groups and other committees where you may have
17 had regular GNETS-related activities.

18 Did you interact at all with GNETS
19 directors meetings?

20 A Define interact.

21 Q Did you have any -- did you play any role
22 or have any responsibilities with respect to GNETS
23 directors meetings?

24 A No.

25 Q Did you ever attend any of the meetings?

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1 A Yes.

2 Q And so what are the GNETS directors
3 meetings?

4 A Meetings of the GNETS directors.

5 Q How frequently do those meetings occur?

6 A I'm not really sure how frequently they
7 occurred. I know that while I was there, at least
8 monthly there was a meeting.

9 Q And what was the purpose of the GNETS
10 directors meetings, generally?

11 A To discuss whatever the GNETS directors
12 and Nakeba felt needed to be discussing at that
13 particular time -- they needed to discuss at that
14 particular time.

15 Q So Ms. Rahming also would have attended
16 those GNETS directors meetings?

17 A Yes.

18 Q Who led the meetings?

19 A It depended on what was on the agenda. If
20 it were related to the State Board rule, data
21 collection, Nakeba would have actually presented --
22 or even the -- what else is on here?

23 I said data collection. Nakeba would have
24 led those meetings. But otherwise, it would have
25 been led by a GNETS director who was selected at

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1 that time to be the person to lead the group.

2 Q What about the GNETS consortium, have you
3 heard that term?

4 A Yes, I have, but I don't recall enough
5 details about what that meant.

6 Q What about the GNETS LEA Collaborative?

7 A I recall being in conversations where that
8 was discussed. I might have attended meetings but I
9 can't recall any specific details about it.

10 MS. GARDNER: I'm going to hand the court
11 reporter what I would like to have marked as
12 Plaintiff's Exhibit 61.

13 (WHEREUPON, Plaintiff's-Exhibit-61 was
14 marked for identification.)

15 BY MS. GARDNER:

16 Q The court reporter has handed you what is
17 marked as Plaintiff's Exhibit 61. This is an email
18 from you to Judy Fitzgerald, with a copy to Ruth
19 Rogers, and the subject line is "Meeting on December
20 7."

21 The document is Bates-stamped GA00481727.

22 This is an email from you to Commissioner
23 Fitzgerald?

24 A Yes.

25 Q And here you note for the Commissioner

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1 that you have a monthly meeting scheduled with her
2 for December 7, 2017, at 11:00 a.m.?

3 A Yes.

4 Q And then you note that there is a
5 conflict, and that conflict is the quarterly LEA
6 Collaborative that the Georgia Department of
7 Education has scheduled?

8 A Correct.

9 Q If you skip down just a bit, it says:
10 "The Collaborative is GaDOE's opportunity to meet
11 with local school superintendents, special education
12 directors, and GNETS directors to address any
13 technical assistance needs for services provided by
14 GNETS. I am an active participant in this meeting."

15 Do you see that?

16 A Yes.

17 Q So you were an active participant in this
18 particular LEA Collaborative that was scheduled?

19 A Yes.

20 Q And does your description of the LEA
21 Collaborative, the opportunity that it presents,
22 accurately reflect your understanding of sort of the
23 nature and purpose of that meeting?

24 A Yes.

25 Q When you say here you are an active

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1 participant in the meeting, what role did you play?

2 A Because it was a technical assistance
3 meeting, if they had questions about the State Board
4 of Education rule and that rulemaking process, I
5 would have been the person they relied on to answer
6 those questions.

7 Q Okay. So your role was basically to
8 provide guidance on the revised GNETS rule?

9 A If those questions came up, that is
10 accurate, yes.

11 Q Are you familiar with an Executive
12 Committee?

13 A An Executive Committee of --

14 Q A GNETS Executive Committee, Georgia
15 Department of Education Executive Committee.

16 A Yes, I am familiar with a Georgia
17 Department of Education Executive Committee, and
18 there may have been a GNETS Executive Committee but
19 I'm just not recalling all of those committee
20 structures at the time.

21 Q Okay. What is the Georgia Department of
22 Education Executive Committee?

23 A The Executive Committee would have been a
24 meeting of deputy superintendents from the Georgia
25 Department of Education, and there may have been

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1 others, but by title and role I can't specify what
2 those are right now.

3 Q And you don't recall, sitting here at this
4 moment, whether there was a GNETS Executive
5 Committee?

6 A I don't recall that there -- not by that
7 name. I don't recall.

8 Q You mentioned previously that you were
9 involved -- one of the broad sort of areas that you
10 worked in involved hiring related to GNETS, right?

11 A Hiring?

12 Q Hiring related to GNETS.

13 A No, not hiring related to GNETS.

14 Q Let me reframe that.

15 In the work that you did related to GNETS,
16 you were involved in some hiring-related activities?

17 A I was involved in hiring Nakeba Rahming at
18 the Georgia Department of Education, whose
19 responsibility would have been for the GNETS
20 program.

21 Q Thank you.

22 Were you involved in hiring anyone else at
23 the Georgia Department of Education who had
24 responsibilities related to the GNETS program?

25 A I don't recall now. I don't recall.

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1 Q Were you involved in the hiring of Vickie
2 Cleveland?

3 A Of who?

4 Q Vickie Cleveland.

5 A I think I may have been consulted or -- I
6 know I knew about it. So I could have been
7 involved.

8 Q What role did you play in Ms. Rahming's
9 hiring?

10 A I helped draft the job description for
11 that position. I worked with Debbie Gay to work
12 with HR to have that position posted. I worked on
13 the interview questions. I sat in on all of the
14 interviews. I worked with Debbie Gay and Matt Jones
15 to make a recommendation of a person to hire for
16 that position.

17 I actually -- when we made the decision
18 that it would be Nakeba, I was the person who called
19 Nakeba. I may have sent her an email notification.

20 So I was involved from beginning to her
21 hiring.

22 Q Okay. You mentioned that you helped draft
23 the job description for Ms. Rahming's --

24 A Yes.

25 Q -- hiring?

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1 A Yes.

2 Q And who did you -- when you say you helped
3 draft, who else worked on drafting that job
4 description?

5 A Debbie Gay, and Debbie may have had
6 additional help, but specifically with Debbie Gay.

7 Q You mentioned that you also sat in on
8 interviews during the hiring process for Ms.
9 Rahming's position?

10 A Yes.

11 Q Who else participated in those interviews?

12 A Debbie Gay and Matt Jones.

13 MS. GARDNER: I'll hand the court reporter
14 what I would like to have marked as Plaintiff's
15 Exhibit 62.

16 (WHEREUPON, Plaintiff's Exhibit-62 was
17 marked for identification.)

18 BY MS. GARDNER:

19 Q Ms. Keith Brown, the court reporter has
20 just handed you Plaintiff's Exhibit 62, which is an
21 email from you to Deborah Gay with a copy to Matt
22 Jones. The subject is "Re: Interview," and the
23 first page of this document is Bates-stamped
24 GA00481511.

25 Is this an email that you sent to Deborah

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1 Gay and Matt Jones about the interview process that
2 we've just been discussing that led to Ms. Rahming's
3 hiring?

4 A Yes.

5 Q And just to clarify, Deborah Gay is the
6 person who you have been referring to as Debbie Gay?

7 A Correct.

8 Q Got to make sure we're clear.

9 A Yes.

10 Q And if you take a look to review, am I
11 correct this email chain involves someone who has
12 applied for the position that Ms. Rahming was
13 ultimately hired into withdrawing their application?

14 A Yes.

15 Q In your email to Debbie Gay and Matt Jones
16 you say: "Thanks, Debbie. I think it's going to be
17 a challenge to get someone but I am hopeful."

18 Do you see that?

19 A Yes.

20 Q When you say here you think it's going to
21 be a challenge to get someone, I take it you are
22 referring to get someone hired into the open
23 position that you were in the process of
24 interviewing for?

25 A Yes.

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1 Q And what prompted you to say you think
2 it's going to be a challenge to get someone into
3 that position?

4 A The position would be located in Atlanta.

5 Q And why would that be a challenge?

6 A It's Atlanta. You would have to leave
7 wherever you were and work at the Georgia Department
8 of Education.

9 Q Anything else that made it a challenge?

10 A We were looking for someone with
11 experience in MTSS, which is a multitiered support
12 system for students with disabilities. So we
13 thought -- I thought that might be a challenge, but
14 the main challenge would have been uprooting and
15 moving to Atlanta and living in the metro area but
16 working daily at the Georgia Department of
17 Education.

18 Q So the primary challenge was the fact that
19 the job was in Atlanta?

20 A Yes.

21 Q And then you mentioned that you also
22 thought it might be a challenge to get someone with
23 experience in MTSS?

24 A Yes.

25 Q And why would it be a challenge to get

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1 someone with experience in MTSS?

2 A A multitiered system of support was, was a
3 direction that the State was headed for all
4 students. It was a part of the school improvement
5 planning process, to make sure that every student
6 had the level of support that every student needed
7 and to have someone who had actually worked in
8 developing a multitiered support -- system of
9 support, not that it was -- it was new, it would
10 have been by a different name, but someone who had
11 done all of that research and actually worked at a
12 school and a district level, providing that level of
13 support would have been challenge -- well, we found
14 to be challenging.

15 Q So you actually did find someone with MTSS
16 experience challenging?

17 A Yes.

18 Q You mentioned that Debbie Gay and Matt
19 Jones were involved in the interviewing process.
20 Was anyone else at the Georgia Department of
21 Education involved in the interview process?

22 A Not to my knowledge. I don't recall
23 anyone, no.

24 Q Was anyone at DBHDD involved in the
25 interview process apart from you?

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1 A No.

2 MS. GARDNER: I am handing the court
3 reporter a document that I would like to have
4 marked as Plaintiff's Exhibit 63.

5 (WHEREUPON, Plaintiff's Exhibit-63 was
6 marked for identification.)

7 BY MS. GARDNER:

8 Q The court reporter has handed you
9 Plaintiff's Exhibit 63. This is an email from you
10 to an email address that appears to be Debbie Gay's,
11 with the subject "Interview Questions."

12 And the first page of this is
13 Bates-stamped GA00481478.

14 A Yes.

15 Q Am I correct that this was in fact sent to
16 Debbie Gay?

17 A Yes.

18 Q You sent this email on October 6, 2015?

19 A Yes.

20 Q There is one attachment to this email, a
21 Word document with the title "Interview Questions
22 GNETS Position."

23 Is that right?

24 A Yes.

25 Q Is the GNETS position that the attachment

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1 title references the one that Ms. Rahming was hired
2 to fill?

3 A Yes.

4 Q So I believe you said earlier you were
5 involved in developing the interview questions for
6 the hiring of that position?

7 A Yes.

8 Q And am I correct that in this email you
9 are forwarding that list of interview questions to
10 Ms. Gay?

11 A Correct.

12 Q If you will turn to the attachment, the
13 first page of which is Bates-stamped GA00481479.

14 The second question down you say:
15 "Describe your experiences with accessing the status
16 of a program, documenting results, recommending
17 changes, and improvement based on research and
18 evaluation data."

19 Do you see that?

20 A Yes.

21 Q That was one of the interview questions
22 for Ms. Rahming's position?

23 A Yes.

24 Q Why did you include this question in the
25 set of questions for the interview?

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1 A I thought that it was important that the
2 person hired for that position knew how to use data
3 to evaluate the success of a program.

4 Q Because that was going to be a part of the
5 role?

6 A Part of the role was going to be assessing
7 how well programs were meeting the State Board of
8 Education rule based on the manual or guidance that
9 was provided by the Department of Education.

10 MS. HERNANDEZ: Sorry. I think it's
11 frozen.

12 THE VIDEOGRAPHER: It is frozen. I just
13 noticed that.

14 Can we go off the record for a second?

15 Off the record at 11:40 a.m.

16 (A recess was taken.)

17 THE VIDEOGRAPHER: We're back on the
18 record at 11:45 a.m.

19 BY MS. GARDNER:

20 Q Ms. Keith Brown, moving down to the next
21 question.

22 A Okay.

23 Q It says: "This position requires the
24 specialist to provide leadership and general
25 supervision of the State's GNETS program."

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1 How do you define an effective leader? Do
2 you see that?

3 A Yes.

4 Q That was another interview question for
5 Ms. Rahming's position?

6 A This internal document, this draft, and so
7 it was sent to Debbie Gay to review it. If it ended
8 up on the actual interview, I can't say, but, yes,
9 that's what's written here.

10 Q And this was a draft that you prepared?

11 A Correct.

12 Q In including this question, what was your
13 understanding of the leadership the GNETS director
14 was to provide for the State's GNETS program?

15 A Leadership in implementing the State Board
16 rule in accordance to the guidance that was
17 developed in what we call the GNETS manual.

18 Q In what way did you understand the GNETS
19 director was to provide general supervision of the
20 State's GNETS program?

21 A General supervision of the grant funds
22 going to the GNETS. That was a process that we had
23 to figure out at the Georgia Department of
24 Education, how do you get the funding to the GNETS.

25 General supervision of if the State had

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1 determined that GNETS needed any professional
2 learning in the rule or any component or aspect of
3 the rule, to provide that leadership to ensure that
4 it happened.

5 Q Any other ways in which you understood the
6 GNETS director was to provide general supervision of
7 the State's GNETS program?

8 A Not any specific things, no.

9 Q Moving to the next question, you include
10 "What is the State's role in implementing the GNETS
11 program?"

12 Do you see that?

13 A Yes.

14 Q What were you looking for from interview
15 candidates in response to this question?

16 A I wanted to make sure that the person we
17 hired for this position knew that the State did not
18 control or administer the GNETS; that the GNETS were
19 independent of the Georgia Department of Education
20 in the sense that they have the directors. Their
21 directors did not report to anyone at the Georgia
22 Department of Education, but that the Georgia
23 Department of Education did have a State Board of
24 Education rule and it did have guidance on how to
25 implement that rule.

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1 And I thought that it would be very
2 important for the person to have done their research
3 on that model and to understand that while you're
4 not supervising the directors directly, the State
5 has a Board of Education rule and GNETS have to
6 abide by that rule.

7 Q Moving down to the last question on this
8 page, and you include -- it says, "Share your
9 thoughts on the relationship between instruction and
10 therapeutic support."

11 Do you see that?

12 A Yes.

13 Q What were you looking for from interview
14 candidates in response to this prompt?

15 A It was my goal that this is where we would
16 learn candidates' experience with a continuum of
17 support, a multitiered system of support, because if
18 they understood that students receiving the
19 therapeutic support as -- included in their IEP,
20 that they would be -- "they" being the students --
21 would be successful in their learning. And if
22 teachers understood the connection between
23 therapeutic support and instruction, then we would
24 have a system where students would get the support
25 that they need and the instruction would, would -- a

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1 student would then be successful.

2 Q So is it fair to say that in terms of a
3 sufficient answer to this question that you viewed
4 there being a relationship between instruction and
5 therapeutic support such that therapeutic support
6 was a prerequisite, if you will, to students within
7 the GNETS program receiving effective instruction?

8 A Yes.

9 Q Turning to Page 2 of -- and the second
10 question down on that page, you include the
11 question: "What qualities do you think a manager
12 implementing a large-scale program with political,
13 local school/school district, state (and perhaps
14 national) interest should possess?"

15 Do you see that?

16 A Yes.

17 Q What did you hope to learn by adding this
18 question?

19 A I wanted just the person's thinking and
20 understanding what an individual would have to know,
21 what competencies that person would have to have in
22 order to be successful in implementing a large-scale
23 program.

24 Q Am I correct in understanding that you
25 viewed the GNETS education program specialist as a

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1 manager who would be implementing a large-scale
2 program?

3 A No. The manager would, would actually --
4 the GNETS director would be implementing a
5 large-scale program. It was really important for me
6 that the person understood that GNETS directors are
7 actually implementing a large-scale system of
8 support or large-scale services, and it's important
9 that the person in that position understand that it
10 requires a certain skill set in order to implement
11 it effectively.

12 Q And how would the education program
13 specialist understanding that skill set benefit them
14 in their position?

15 A So my thinking was that if a -- if the
16 program manager or specialist understood that
17 directors may get pushback from local school
18 districts or get requests to implement certain
19 strategies, or whatever the request might be, that
20 they may need someone to help guide them through
21 that process.

22 If I don't understand that process, how
23 can I ensure that the GNETS director, or directors,
24 would implement the State Board of Education rule
25 the way that the State Board of Education intended

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1 for that rule to be implemented?

2 Q So, in your view, understanding the answer
3 to this question was going to permit the education
4 program specialist to guide GNETS directors through
5 their process as they worked with regional GNETS
6 programs?

7 A Yes. Provide support and guidance to the
8 GNETS directors.

9 Q Skipping over to Page 4, the very first
10 question on that page says: "Some parts of this
11 position aren't glamorous - but are crucial. An
12 example is the amount of travel. What challenges
13 would you have? If in a given week or month, most
14 of your time were taken up with travel, how would
15 you stay focused and motivated?"

16 Do you see that?

17 A Yes.

18 Q Why was travel a crucial part of the GNETS
19 education program specialist position?

20 A It was important because the GNETS person
21 would need to collaborate, communicate with GNETS
22 directors. They may have -- that person would have
23 had to go on-site. That person would have had to
24 provide training. And since GNETS are regional, it
25 may require -- it may have required regional

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1 meetings as opposed to statewide meetings.

2 If there were any professional learning
3 that was recommended for all GNETS directors, either
4 recommended for GNETS directors or recommended as a
5 Train The Trainer model, then that person would need
6 to secure the delivery of that professional
7 learning. That person would need to then actually
8 go on-site to ensure that the intended professional
9 learning is exactly what happened.

10 Q So the GNETS education program specialist
11 may have needed to travel on-site for purposes of
12 providing training? Is that one of the sort of
13 purposes of travel in this particular position?

14 A Yes.

15 Q And then I think you also mentioned in
16 situations where the education program specialist
17 may not have been providing the training themselves,
18 they might be on-site to ensure that the training
19 delivered was actually what was supposed to be
20 delivered?

21 A Yes.

22 Q Did the GNETS education program specialist
23 travel on-site to assess programs in any way?

24 A Yes.

25 Q And sort of what was the nature of the

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1 assessment that the education program specialist
2 might travel to GNETS programs for?

3 A The GNETS were required to complete the
4 strategic plan. There is an assessment partner. So
5 the GNETS person would have gone on-site to have a
6 discussion about that rating.

7 Q And when the GNETS education program
8 specialist went on-site to have a discussion about
9 that rating, was the education program specialist
10 looking at anything to determine whether that rating
11 was accurate?

12 A I hesitate because I did not see any data,
13 for example, that the -- that the specialist would
14 have -- that Nakeba in this particular case would
15 have pulled, but -- so I can't say for certain that
16 that is exactly what happened.

17 Q Okay. Was there any out-of-state travel
18 required for or contemplated for the education
19 program specialist?

20 A I don't recall.

21 MS. GARDNER: I'm handing the court
22 reporter what I would like to request be marked
23 as Plaintiff's Exhibit 64.

24 (WHEREUPON, Plaintiff's Exhibit-64 was
25 marked for identification.)

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1 BY MS. GARDNER:

2 Q The court reporter has handed you
3 Plaintiff's Exhibit 64. This is an email chain, and
4 the email at the top is an email from Ms. Rahming to
5 you, dated November 19, 2015. The subject line is
6 "Re: Thank You."

7 The first page of this is Bates-stamped
8 GA00196539.

9 This top email is an email that you sent
10 to Ms. Rahming?

11 A Yes.

12 Q And am I correct that in this email
13 thread, on November 19th, 2015, Ms. Rahming wrote to
14 you to thank you for the opportunity to interview
15 with her team at the Georgia Department of
16 Education?

17 (Witness reviews exhibit.)

18 A Yes. Your question?

19 Q Do you want me to repeat the question?

20 A Yes, please.

21 Q Am I correct that in this email thread on
22 November 19th, 2015 Ms. Rahming wrote to you to
23 thank you for the opportunity to interview with her
24 team at the Georgia Department of Education?

25 A Yes.

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1 Q If you turn to the second page, Ms.
2 Rahming notes that she has a few questions she
3 remembered after leaving her interview. Is that
4 right?

5 A Yes.

6 Q And so she asks her questions in this
7 email to you?

8 A Yes.

9 Q Her first question has to do with the
10 degree of flexibility that existed regarding salary
11 negotiations?

12 A Yes.

13 Q And do you see the second question says:
14 "Does this position work with a team or individually
15 provide direct leadership and supervision to GNETS
16 sites?"

17 A Yes.

18 Q You responded to those questions in an
19 email that was sent on the same day, right?

20 A Yes.

21 Q And in response to Ms. Rahming's second
22 question, which was a question about whether the
23 position worked with a team or individually to
24 provide direct leadership and supervision to GNETS
25 sites, you begin by saying "the best answer to this

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1 question is both." Is that correct?

2 A Yes.

3 Q Then you go on to say: "The position is a
4 newly funded position but expectation is this
5 position will provide direct leadership and indirect
6 supervision to the GNETS. Some of the operations
7 details are still left to be worked out, thus the
8 reason we stressed the person filling this position
9 will need to be flexible."

10 A Yes.

11 Q In what ways was the expectation that the
12 position would provide direct leadership to the
13 GNETS?

14 A Direct leadership for implementing or
15 adhering to the State Board of Education GNETS rule,
16 and following the guidance that was developed for
17 that rule.

18 Q Any other ways?

19 A That's my best answer.

20 Q In what ways was the expectation that the
21 position would provide indirect supervision to the
22 GNETS?

23 A Yes. Indirect because GNETS directors did
24 not report to anyone at the Georgia Department of
25 Education, but the State Board of Education rule

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1 following the guidance as outlined in the manual, as
2 well as working on the strategic plan and evaluating
3 each, each director evaluating the services that
4 were provided through GNETS, this person would have
5 -- Nakeba would have been directly responsible for
6 that.

7 THE VIDEOGRAPHER: I'm sorry, we need to
8 take another break.

9 Off the record at 12:05 p.m.)

10 (A recess was taken.)

11 THE VIDEOGRAPHER: We're back on the
12 record at 12:09 p.m.

13 BY MS. GARDNER:

14 Q We were discussing the email that Ms.
15 Rahming sent to you after interviewing with the
16 Georgia Department of Education for the position
17 that she was ultimately hired into.

18 Ms. Rahming includes in her email a third
19 question that she remembered after her interview.

20 Do you see that?

21 A Yes.

22 Q And that question is: "What are your
23 short and long-term expectations of the hired
24 candidate?"

25 A Yes.

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1 Q You also include in your email response to
2 her an answer to that question?

3 A Yes.

4 Q Am I correct that answer says: "The
5 short-term expectations include working with Debbie
6 Gay and me to develop a project management plan that
7 includes detailed action steps to address program
8 improvements; determining any budget needs to
9 implement program improvements; visiting the GNETS
10 programs to determine current levels of
11 implementation"?

12 A Yes.

13 Q And then you go on to say: "In the
14 long-term, it is important for the GNETS to be an
15 option in the continuum of services for eligible
16 students. Please note we are expecting the person
17 filling this position to assist in finalizing both
18 short and long-term goals for GNETS."

19 A Yes.

20 Q You say at the beginning that the
21 short-term expectations include working with Debbie
22 Gay and you to develop a project management plan
23 that includes detailed action steps to address
24 program improvements?

25 A Yes.

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1 Q Is that the same project plan that we
2 discussed earlier when looking at the list of issues
3 that you and Ms. Rahming were going to meet about to
4 discuss updates?

5 A Yes.

6 Q You also include as short-term
7 expectations working with Debbie Gay and you to
8 determine budget needs to implement program
9 improvements?

10 A Yes.

11 Q And then visiting the GNETS programs to
12 determine current levels of implementation?

13 A Yes.

14 Q What did you mean by current -- by
15 determining current levels of implementation?

16 A I don't -- I can't specifically remember
17 exactly why that was there, but it would have -- in
18 my thinking, it would have been related to
19 implementing the State Board of Education rule and
20 the guidance in the, in the GNETS manual.

21 Q And once Ms. Rahming was hired, did she
22 work with you and Debbie Gay to visit GNETS programs
23 to make that determination?

24 A Not with -- we did not go as a team.

25 Q Did Ms. Rahming go?

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1 A To the best of my recollection, she would
2 have begun that process before I left, yes.

3 Q But you did not accompany her?

4 A Based on my recollection, it is possible
5 that I accompanied her, but it wasn't necessary for
6 me to actually attend each of those sessions with
7 the GNETS.

8 Q Okay. So you may have -- you may have
9 joined Ms. Rahming on some on-site visits but
10 on-site visits were her responsibility, and so you
11 would not have needed to go to every single one?

12 A That is correct, because the document they
13 would have been using would have been the strategic
14 plan. They would have been -- they would have
15 actually completed the portion of the strategic plan
16 that the GNETS directors needed to complete for
17 their program. And so I may have attended a couple
18 of those sessions, but I know I did not go with
19 Nakeba on -- I'm sorry -- Ms. Rahming on every
20 visit.

21 Q You mentioned the project management plan
22 here. Did Ms. Rahming in fact work with you and
23 Debbie Gay to develop a project management plan?

24 A Yes.

25 Q Was any part of that project management

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1 plan developed prior to Ms. Rahming being hired?

2 A There -- yes. I developed a project
3 management plan for the three areas that were --
4 that I was expected to work on.

5 Q And you developed that prior hiring Ms.
6 Rahming? Ms. Rahming being hired?

7 A Yes, because her hiring would have been
8 one of the strategies that I would have concluded
9 was necessary when I put together my own project
10 management plan.

11 Q And so that project management plan that
12 you developed prior to Ms. Rahming's hire, what were
13 those three areas that you had included in that plan
14 already?

15 A To review the State Board of Education
16 rule and make recommendations. The recommendation
17 was to begin the negotiated rulemaking; to ensure
18 that once the negotiated rulemaking had started,
19 that there be multiple opportunities for
20 stakeholders to provide comments or to just come and
21 listen, and that those hearings should be held in
22 multiple places throughout the state for
23 geographical representation.

24 That we review -- that I review the manual
25 related to GNETS and determine if that manual, after

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1 talking with the special education staff,
2 specifically Debbie Gay, and there may have been
3 other staff, if there was a need to update the
4 manual; to ask questions, like does it accurately
5 represent what you know to be operational at this
6 time; to make recommendations for any professional
7 learning for staff at the Department of Education,
8 for LEA's, for special education directors at local
9 school districts, as well as for GNETS directors.

10 And also to coordinate, collaborate within
11 the Department of Education different divisions, as
12 well as with the DBD -- the Department of Behavioral
13 Health and Developmental Disabilities, to coordinate
14 learning about those resources that were available
15 through DBHDD.

16 Q So what I understand based on what you
17 just said, that those three areas were the State
18 Board of Education GNETS rule, GNETS manual and
19 guidance, and then coordination of division or areas
20 within the Georgia Department of Education and DBHDD
21 about services?

22 Is that a fair summary of the sort of
23 three general areas that you had included in the
24 project management plan prior to Ms. Rahming's hire?

25 A Yes.

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1 Q This portion of the project management
2 plan that you developed prior to Ms. Rahming's hire,
3 did anyone else participate in drafting that or was
4 that your responsibility? How did that come to be?

5 A That was my responsibility based on my
6 conversation with Mr. Winter and State Board of
7 Education expectations about what my role was to be
8 in this, in this project.

9 Q Anyone else a part of the conversation
10 with Mr. Winter that sort of provided you with the
11 understanding that you needed to develop this
12 project management plan?

13 A No. But I need to explain.

14 Mr. Winter shared with me the report. He
15 shared with me the State Board of Education rule.
16 As a result of that, I determined what my steps
17 needed to be in order to be able to make
18 recommendations to the State Board.

19 Q Okay. And so when you determined those
20 steps, you started to outline those in what was the
21 beginning of the project management plan?

22 A Correct.

23 Q Okay. Who set the short-term goals that
24 you identified in your response to Ms. Rahming here?

25 A I believe I said she would be expected to

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1 finalize short- and long-term goals for GNETS.

2 Q And so my question to you is, who set the
3 short-term expectations that you outlined before
4 saying that some of the --

5 MS. GARDNER: I'm sorry. Let me reframe
6 that because I said short-term goals and that
7 was imprecise.

8 BY MS. GARDNER:

9 Q You answer Ms. Rahming's question about
10 the short-term expectations of the hired candidate,
11 and so my question to you is, who set the short-term
12 expectations that you shared in this email?

13 A I don't specifically recall conversations
14 about that, but because I worked with Debbie Gay and
15 Matt Jones, and of course input from the State Board
16 of Education, I believe we would have been the group
17 setting whatever short-term goals for that position.

18 Q Once you were done interviewing candidates
19 for the GNETS education program specialist position,
20 did you participate in the decision as to who should
21 be hired?

22 A Yes.

23 Q Who else participated in that decision?

24 A Debbie Gay and Matt Jones.

25 Q Anyone else?

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1 A We would have made a recommendation to the
2 Superintendent of Schools, and the Superintendent of
3 Schools would have made a recommendation to the
4 Georgia Department -- I mean the Georgia Board of
5 Education.

6 Q Okay. But in terms of getting to the
7 point of making the recommendation to the
8 Superintendent of Schools, the people involved in
9 that decision would have been you, Matt Jones, and
10 Debbie Gay?

11 A Correct.

12 MS. GARDNER: I'm going to hand the court
13 reporter what I would like to have marked as
14 Plaintiff's Exhibit 65.

15 (WHEREUPON, Plaintiff's Exhibit-65 was
16 marked for identification.)

17 BY MS. GARDNER:

18 Q The court reporter has handed you
19 Plaintiff's Exhibit 65, which is an email from you
20 to Ms. Rahming, sent on December 29th, 2015, with an
21 attachment that bears the title "Finlayson-Rahming
22 employment letter."

23 This is an email that you sent to Ms.
24 Rahming?

25 A Yes.

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1 Q Just for the record, the first page of
2 this bears the Bates No. GA00196727.

3 You mentioned earlier in our conversation
4 that it was possible you may have sent Ms. Rahming
5 an email about her employment offer with the Georgia
6 Department of Education, right?

7 A Yes.

8 Q And is this email that communication?
9 (Witness reviews exhibit.)

10 A Yes, this is -- that's correct.

11 Q Thank you.

12 Did Ms. Rahming leave the GNETS education
13 program specialist position that she was hired into
14 at some point?

15 A I, I would not know that.

16 MS. GARDNER: I'm handing the court
17 reporter what I would like to have marked as
18 Plaintiff's Exhibit 66.

19 (WHEREUPON, Plaintiff's Exhibit-66 was
20 marked for identification.)

21 BY MS. GARDNER:

22 Q You've been handed Plaintiff's Exhibit 66.
23 This is an email from you to Jaquenetta Dugger, with
24 copies to Zelfphine Smith-Dixon, Andrea Riley,
25 Cassandra Holifield, Nakeba Rahming.

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1 It has the subject "Re: Interviews for
2 GNETS Program Management" and it's dated December
3 19, 2017.

4 The document bears the Bates-stamp
5 GA00481759.

6 Is this an email that you sent?

7 A Yes.

8 Q And if you look further down, am I correct
9 in understanding that you were invited to join Ms.
10 Rahming to interview five candidates for the GNETS
11 program manager position?

12 A Yes.

13 Q Did you participate in those interviews?

14 A Yes, to the best of my recollection.

15 Q Okay. Who is Jaquenetta Dugger?

16 A The administrative assistant for Federal
17 Programs at the Georgia Department of Education.

18 Q And is she sending this email, to the best
19 of your understanding, on behalf of Ms. Rahming?

20 A Yes.

21 Q Was Ms. Rahming working in Federal
22 Programs at this time?

23 A I'm not sure about the organizational
24 structure at that time.

25 Q Who was ultimately hired into this GNETS

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1 program manager position?

2 A I believe that would have been Vickie -- I
3 cannot remember her last name, but I believe it
4 would have been Vickie.

5 Q Was it Vickie Cleveland?

6 A Vickie Cleveland, yes.

7 Q The title of the position that's being
8 interviewed for here says GNETS program manager.
9 Ms. Rahming was hired into a position that was
10 education program specialist.

11 Was there some change in title?

12 A I believe so. I don't recall what that
13 change would have been.

14 Q Is it your understanding that these
15 interviews were to fill the position that had been
16 filled by Ms. Rahming?

17 A Yes.

18 Q At the time Ms. Rahming was hired, her
19 position was a new position; is that right?

20 A Yes.

21 Q Were you a part of the decision to create
22 that new position?

23 A Yes.

24 Q Who else participated in that decision?

25 A I made a recommendation to the State Board

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1 of Education as a part of my role at that time, and
2 I'm not sure how we went from that point to it
3 actually being approved.

4 Q Okay.

5 A But the other person who would have been
6 -- other persons who would have been a part of that
7 conversation would have been Matt Jones and Debbie
8 Gay.

9 Q Okay. So you, Matt Jones, and Debbie Gay
10 would have been a part of the conversation leading
11 to the recommendation that the position that Ms.
12 Rahming was ultimately hired into be created?

13 A Yes.

14 Q And you would have made that
15 recommendation to the State Board of Education?

16 A Correct.

17 Q Were you involved in Ms. Rahming's
18 onboarding?

19 A In an official capacity, no. That would
20 have been handled by HR.

21 Q Okay. And to clarify, when I say
22 onboarding, I am referring to sort of bringing Ms.
23 Rahming up to speed on substantively the things that
24 she was going to be working on.

25 Was there some process by which she was

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1 oriented when she arrived at the Georgia Department
2 of Education to -- you know, the projects she would
3 be working on or the expectations that had been set
4 for her?

5 A Yes.

6 Q And who did that orienting?

7 A I would have done that.

8 Q What did that process look like?

9 A That was 2016. I'm not sure that I
10 remember every detail, but I will share with you
11 what I recall.

12 I would have shared the project management
13 plan. I would have shared the GNETS rule that was
14 in effect at that time. I would have shared the
15 report from the U.S. Department of Justice. I would
16 have shared with her key members of the Special
17 Education Department within the Georgia Department
18 of Education.

19 I would have had conversations with her
20 about her experience with a continuum of services.
21 I would have had conversations with her about
22 feeling comfortable in asking questions and asking
23 for support if she needed support.

24 I most likely would have provided her a
25 list of the GNETS. I most likely would have

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1 provided her contact information for the GNETS as
2 well.

3 Q The strategic plan that you mentioned was
4 one of Ms. Rahming's projects. Had that been
5 started at the time that you were assisting Ms.
6 Rahming in sort of getting her bearings within the
7 Department of Education?

8 A Yes.

9 Q Who started that prior to Ms. Rahming
10 arriving?

11 A She would have started that.

12 Q She would have started that when she
13 arrived?

14 A Yes.

15 Q In discussing the calendar invitation we
16 looked at earlier for the meeting between you and
17 Ms. Rahming that outlined the four areas in which
18 Ms. Rahming was providing updates to you, do you
19 recall that?

20 A Yes.

21 Q And you can look back if you would like.
22 One of the things listed was an outline
23 for service delivery model. Do you recall that?

24 A Yes, I do.

25 Q What is a service delivery model?

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1 A I don't have the expertise to answer that.

2 Q Okay.

3 MS. GARDNER: I'm handing the court
4 reporter what I'd like to have marked as
5 Plaintiff's Exhibit 67.

6 (WHEREUPON, Plaintiff's Exhibit-67 was
7 marked for identification.)

8 BY MS. GARDNER:

9 Q You've been handed Plaintiff's Exhibit 67.
10 This is an email from you to Scarlet Brown, dated
11 December 4, 2015, and the first page bears
12 Bates-stamp GA00481536.

13 Am I correct this is an email exchange you
14 had with someone named Scarlet Brown?

15 A Yes.

16 Q And who is Scarlet Brown?

17 A She worked for a school district and she
18 attended a conference that I attended.

19 Q What school district did she work for?

20 A I don't recall.

21 Q If you turn to the second page of this.

22 A Yes. Give me a moment.

23 (Witness reviews exhibit.)

24 A Okay.

25 Q So on the second page, the sort of email

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1 that appears at the very bottom, it says that it was
2 sent on Wednesday, November 4, 2015.

3 You write to Ms. Brown asking her to send
4 you information you talked about with her at a
5 conference.

6 Am I reading that correctly?

7 A Yes.

8 Q Then Ms. Brown responds to you on December
9 3rd, 2015. Is that right?

10 A Yes.

11 Q And if you look in the sort of end of the
12 second paragraph, beginning her email, she says: "I
13 did want to mention a few programs, resources, et
14 cetera, that you may be interested in researching
15 further."

16 Do you see that?

17 A Yes.

18 Q And then she lists those programs,
19 resources, et cetera, in a number of bullet points
20 that follow?

21 A Yes.

22 Q She goes on to say, after she provides the
23 bullet points: "I hope these will be helpful and
24 provide some ideas for thinking differently about
25 supporting students, families and schools in meeting

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1 the needs of our most challenging, complex
2 students."

3 Do you see that?

4 A Yes.

5 Q Had you shared something with Ms. Brown
6 before this email exchange suggesting that you were
7 looking for ideas for thinking differently about
8 supporting students, families, and schools and
9 meeting the needs of the most challenging, complex
10 students?

11 A I don't recall a specific conversation.

12 Q What was your understanding of why Ms.
13 Brown said you may want to research the programs and
14 resources that she provided further?

15 A This would have been very soon after I
16 agreed to begin work with DBHDD. I would have
17 mentioned that to her at the conference we were at
18 together. And it's likely we would have had a
19 conversation about my role at that time.

20 Q And so in that sort of early time frame
21 after you began work with DBHDD, were you exploring
22 ideas or resources, services, tools that you might
23 be able to use in your position?

24 A Not in my position. But resources, tools,
25 support services that would be available to GNETS as

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1 they worked with local school districts and schools
2 in providing that continuum of services for
3 students.

4 Q Okay. Did you research further any of the
5 programs or resources that are listed in these
6 bullet points here?

7 A Yes.

8 Q And which ones did you research further?

9 A Apex.

10 Q Okay. Anything else?

11 A Yes. Trauma informed care. The trauma
12 informed education, as it's listed here.

13 Q Okay. Anything else?

14 A I don't recall any others.

15 Q What about the Interconnected Systems
16 Framework?

17 A I don't recall any others.

18 Q In researching the Trauma Informed
19 Education, what did you learn?

20 A I don't remember the specific details, but
21 I remember enough about it that Nakeba and I talked
22 about trauma informed care. We called it trauma
23 informed care. As a matter of fact, Nakeba and I
24 attended a trauma informed care workshop. It was
25 the beginning of a Train The Trainer model, and

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1 later it was a model that was included in Nakeba's
2 program -- project management plan. That's why I
3 remember that one.

4 I remember Apex because that is the
5 program that I mentioned earlier that we talked
6 about, I learned about at DBHDD.

7 And I just don't recall the others.

8 Q And so in this email that Ms. Brown writes
9 to you, in the second-to-last sort of paragraph in
10 her email, on the second page, this is speaking
11 about Apex, she says: "I strongly encourage you to
12 look into the Apex grant being administered
13 DBHDD...this has the potential to be a great
14 resource to support change in the current delivery
15 model within GNETS."

16 Do you see that?

17 A Yes.

18 Q Had you communicated that you were looking
19 to support change in the current delivery model
20 within GNETS?

21 A I don't recall specifically that I said
22 that, but I do recall having a conversation with
23 Charlotte (sic) about my role with GNETS.

24 Q What is the Apex grant referenced here?

25 A I know that it is a grant that is

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1 administered via DBHDD -- DBHDD. I would know -- I
2 would have known more about it when I was working,
3 but I just don't recall the specific details.

4 I know generally that it's an approach to
5 provide mental health services to children and
6 families working directly with local school
7 districts.

8 Q And when you say working directly with
9 local school districts, what do you mean by that?

10 A I mean that, as best as I can remember,
11 Apex would have provided a grant to our local school
12 district to work on providing a mental health
13 services to children and their families, and that is
14 all that I remember about the Apex program.

15 Q And when you say that the grant was to a
16 local school district to work on providing mental
17 health services to children and their families, were
18 those services provided in the schools?

19 A I don't remember the details about the
20 Apex program.

21 Q Okay. Had you heard of the Apex grant
22 before receiving this email, or is this how you
23 learned about it?

24 A This is how I learned about it.

25 Q Did you look further into this -- Ms.

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1 Brown's statement that this has the potential to be
2 a great resource to support change in the current
3 delivery model and services within GNETS?

4 A It was a topic of conversation with the
5 Commissioner at DBHDD a number of times. Monica --
6 I cannot think of her last name -- was the person
7 managing the Apex grant. She was a part of our
8 monthly meetings.

9 Q And in those conversations about Apex, did
10 you reach some conclusion about the relationship
11 between Apex and GNETS program or GNETS services?

12 A No, I did not reach any conclusion about
13 that, but I thought it was important enough that
14 when Nakeba was hired and onboarded that she would
15 attend those meetings with me, because my work was
16 not directly with any specific grant program. That
17 wasn't my role.

18 But I thought it was important enough that
19 I talk to Nakeba about it when she was hired later,
20 and she and Monica would have had -- I, I -- perhaps
21 conversations about it but I can't say that for
22 certain.

23 Q During the time that you were director at
24 DBHDD, were Apex services ever leveraged to meet the
25 needs of students in GNETS?

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1 A Apex services were communicated to the
2 GNETS directors. As we learned more about -- as I
3 learned and subsequently Nakeba learned more about
4 the Apex program, we made sure that we communicated
5 that program -- those grant programs to local school
6 districts or local education agencies and the GNETS.

7 MS. GARDNER: I'm handing the court
8 reporter what I'd like to be marked as
9 Plaintiff's Exhibit 68.

10 (WHEREUPON, Plaintiff's Exhibit-68 was
11 marked for identification.)

12 BY MS. GARDNER:

13 Q You've been handed Plaintiff's Exhibit 68.
14 This is an email from Jewell Gooding to you with a
15 cc: to Monica Parker and Stephanie Pearson.

16 The subject is "Re: Follow Up." And it
17 contains an attachment with the title "Apex
18 Providers_Schools_Working Draft 2.2.16."

19 The first page of this has a Bates No.
20 GA00196859.

21 (Witness reviews exhibit.)

22 Q This is an email thread, the most recent
23 of which is from Jewell Gooding to you, providing
24 what appears to be a list of Apex providers and
25 schools. Is that right?

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1 If you take a look at the very last page
2 of the email, at the very bottom, you say: "Hi,
3 Judy, just checking on the list of districts that
4 have MOUs with Apex."

5 Do you see that?

6 A Yes.

7 Q In this email chain, I take it you were
8 trying to track down a list of the school districts
9 that participated in Apex?

10 A Yes.

11 Q Is this some of the follow-up related to
12 your conversation with Ms. Brown?

13 A Yes, and a mention from Judy Fitzgerald as
14 well.

15 Q Okay. In this most recent email that
16 appears on the first page dated February 3rd, 2016,
17 in Jewell Gooding's email to you, it says: "For
18 your information I have enclosed the list and you
19 can confirm with her if the school districts are
20 active."

21 "Her," meaning Dr. Pearson?

22 A I'm not sure who she meant.

23 Q Okay. If you turn to the second page.

24 A Yes.

25 Q About halfway down the page there is an

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1 email from Monica Parker to you, and Jewell Gooding
2 and Stephanie Pearson are also included on that.

3 It says: "Hi, Clara, Dr. Stephanie
4 Pearson actually is the support program manager for
5 the Apex project."

6 Do you see that?

7 A Yes.

8 Q If you turn back to the first page, in the
9 email from Jewell Gooding to you she says she won't
10 be in the office at a particular time, Dr. Pearson
11 may be available, and then she says: "For your
12 information, I have enclosed the list and you can
13 confirm with her if the school districts are
14 active."

15 A Yes.

16 Q And "her" refers to Dr. Pearson?

17 A I would assume so, yes.

18 Q Who was the program support manager for
19 the Apex project?

20 A Yes.

21 Q I think I'm going to briefly show you the
22 attachment to this, so that you have -- or did I --
23 I don't think there's an attachment included. It's
24 a native document, so that's why it's not there.

25 Do you see that Excel file opening?

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1 A Yes.

2 Q Do you see that document?

3 A Yes.

4 Q And here am I correct that in this list of
5 Apex providers and schools there is a list on the
6 left of the grantee and provider?

7 A According to this, yes.

8 Q And then in the next column to the right
9 of that it identifies the, the particular school?

10 A Yes.

11 Q The school district is also included on
12 the spreadsheet?

13 A Yes.

14 Q As well as information about enrollment
15 and whether it's a Title I school or not?

16 A Yes.

17 Q What did you do with this information, if
18 anything, after receiving it?

19 A I do not recall. That was 2015, early
20 '16.

21 Q I think that's all for that document.

22 MS. GARDNER: I just want to check in and
23 find out what the plan is for lunch. I'd like
24 to take a break now.

25 THE VIDEOGRAPHER: We're off the record at

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1 12:58 p.m.

2 (A recess was taken.)

3 THE VIDEOGRAPHER: Wire back on the record
4 at 1:59 p.m.

5 MS. GARDNER: Welcome back, after lunch.

6 I am going to ask the court reporter to
7 please mark this document as Plaintiff's
8 Exhibit 69.

9 (WHEREUPON, Plaintiff's Exhibit-69 was
10 marked for identification.)

11 BY MS. GARDNER:

12 Q You have been handed Plaintiff's Exhibit
13 69. This is an email from you to Nakeba Rahming
14 dated March 1st, 2016. The subject is "Meeting
15 Scheduled for April."

16 And the Bates number is GA00040841.

17 This is an email that you sent to Ms.
18 Rahming?

19 A Yes.

20 Q And in this email you are discussing a
21 meeting that you had with DBHDD on the day that you
22 sent the email?

23 A Yes.

24 Q You mention here that you had an
25 opportunity to meet Monica Parker, Director of

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1 Division of Behavioral Health, and Dante McKay,
2 Director of Office of Children, Young Adults and
3 Families?

4 A Yes.

5 Q Earlier we were speaking about somebody
6 named Monica at DBHDD who you worked with. Is
7 Monica Parker the person that you were thinking of?

8 A Yes.

9 Q You go on to say to Ms. Rahming: "We all
10 think it would be a great idea for you to meet with
11 them and learn about their core mission. As we work
12 to figure out what coordination of services looks
13 like at the State and GNETS level, understanding the
14 core mission to DBHDD will be very beneficial."

15 Do you see that?

16 A Yes.

17 Q When you say "we all think it would be a
18 great idea," who does the "we" refer to?

19 A I probably was talking about Monica,
20 Dante, and me.

21 Q And what was the work to figure out what
22 coordination of services looks like at the State and
23 GNETS level?

24 A One of the roles that I had, I mentioned
25 earlier, was to coordinate agencies and divisions

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1 within the Georgia Department of Education to talk
2 about resources that were available throughout the
3 State that may be or could be included in the
4 continuum of services for students with disabilities
5 that we were talking about.

6 Q And when you say "could be included in the
7 continuum of services for students with
8 disabilities," are you referring to services that
9 would be provided outside of the GNETS context, or
10 were you also discussing coordination of services
11 that could be integrated into the GNETS environment?

12 A I was talking about services that were
13 available in the State that we could make sure GNETS
14 as well as local school districts and other, other
15 people working in local school districts would know
16 about and would be able to consider when they are
17 working on an IEP for children in schools.

18 Q And would any of those services that they
19 might become aware of be provided in a GNETS
20 environment?

21 A I can't say that for certain. This was
22 more of a discovery meeting so that we could
23 determine what services were available throughout
24 the State.

25 Q What led you to believe that understanding

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1 the core mission of DBHDD would be beneficial as you
2 figured out that coordination of services?

3 A I learned more about the work that DBHDD
4 was -- about their work and the services that they
5 were providing around the mental health needs of
6 community members and families, and I was -- I knew
7 that some of the children that were served by GNETS
8 may have had some, some mental health needs and that
9 those needs could have been addressed by some of the
10 services, but given that I wasn't the expert on
11 those services, I did not know. I wasn't trying to
12 become the expert. I just wanted to coordinate all
13 the people who and agencies who may have some
14 knowledge about those services.

15 Q During your time as director at DBHDD, was
16 there ever a resolution to what coordination of
17 services would look like at the State and GNETS
18 level?

19 A No, not to my knowledge.

20 Q During the time that you were there, were
21 there any sorts of metrics to figure out whether
22 those coordinated services that you were identifying
23 were actually being used to assist students in GNETS
24 or their families?

25 A So that would have been a part of Nakeba's

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1 work. It would not have been a part of my work. My
2 work was to identify those key resources, put Nakeba
3 in contact with those key resources, and then she
4 would take it in whatever direction seemed
5 appropriate at that time.

6 Q Okay. When you say in this email here I
7 had an opportunity to meet Monica Parker and Dante
8 McKay, was this the first time you met Monica Parker
9 and Dante McKay?

10 A I don't recall.

11 Q Did a meeting on March 29th that's
12 referenced here actually take place?

13 A I don't remember.

14 Q Did you continue to meet with either Ms.
15 Parker or Mr. McKay after this email?

16 A There would have been opportunities where
17 I would have met with Monica for certain with
18 Nakeba. I am not certain if Dante McKay was a part
19 of any of those subsequent meetings.

20 Q But you would have met with Ms. Parker and
21 Ms. Rahming together at some point after this?

22 A Yes.

23 Q Were the meetings that you had with Ms.
24 Parker and Ms. Rahming after this also related to
25 this coordination of services issue?

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1 A I can't say specifically. I just don't
2 recall all the topics that we talked about during
3 the times that we met. So I just can't recall.

4 Q You talked a little bit about, in our
5 conversation, about coordination of services, about
6 the availability of mental health services that
7 might be able to assist GNETS students and their
8 families; is that right?

9 A Say that again.

10 Q So just -- I want to make sure I'm
11 understanding correctly that part of the work you
12 were doing to related to coordination of services
13 had to do with identifying mental health services
14 available in the State that might be able to assist
15 GNETS students and their families.

16 A Yes.

17 Q Is that an accurate understanding on my
18 part?

19 A Yes, that would be accurate.

20 Q So it sounds like one of the places that
21 you went to sort of identify what some of those
22 mental services might be was DBHDD?

23 A Correct.

24 Q Were there any other state agencies that
25 you tapped into or explored that might have provided

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1 mental health services that could assist GNETS
2 students or their families?

3 A Not to my recollection.

4 Q Okay.

5 MS. GARDNER: I'm going to ask the court
6 reporter to please mark this document as
7 Plaintiff's Exhibit 70.

8 (WHEREUPON, Plaintiff's Exhibit-70 was
9 marked for identification.)

10 BY MS. GARDNER:

11 Q Ms. Keith Brown, you are being handed
12 Plaintiff's Exhibit 70. This is an email thread.
13 The most recent email is an email from Cassandra
14 Holifield to you, dated March 6, 2018. The subject
15 is "Re: GNETS Questions."

16 The first page of this document has the
17 Bates-stamp GA00152939.

18 A Yes.

19 Q I'd like to direct your attention -- maybe
20 we could start at the back of the document, which is
21 actually the first in time email, on the very last
22 page.

23 On March 4th, 2018, Ms. Holifield writes
24 to you. She says: "Hi, Clara. I hope all is well
25 with you. I'm here with some of the GNETS directors

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1 and we are brainstorming potential service delivery
2 model changes for GNETS. Are you available for us
3 to give you a quick call? If so, may I have your
4 cell number?"

5 Do you see that?

6 A Yes.

7 Q And you and Ms. Holifield exchanged some
8 emails back and forth. I'm not going to read each
9 one of them for the sake of time. But if you look
10 on the second page, Ms. Holifield again writes you
11 on March 5th, 2018, and in that email she says,
12 quote: "Some of the GNETS directors and I met and
13 came up with a few ideas of how we can
14 reinvent/redesign GNETS to provide services better
15 and/or differently."

16 Do you see where I am?

17 A No, I don't.

18 Q It's on the second page of the document.

19 A Okay.

20 Q And just under the box that says,
21 "Caution."

22 A Yes.

23 Q No. Up --

24 A Two cautions. Okay.

25 Q Do you see a paragraph under that that

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1 says, "Perfect" -- starts with "Perfect"?

2 A Yes.

3 Q And Ms. Holifield says to you, quote:

4 "Some of the GNETS directors and I met and came up

5 with a few ideas of how we can reinvent/redesign

6 GNETS to provide services better and/or differently.

7 The committee and I want to know if you're willing

8 to meet with us and discuss these ideas and tell us

9 what's possible/permissible and what's not before we

10 go deeper with these suggestions or would you prefer

11 we draft the ideas first and share them with you and

12 we brainstorm from those ideas and/or others."

13 This is an email that Ms. Holifield sent

14 to you?

15 A Yes.

16 Q And correct that when you received this

17 email, you were aware that she and other GNETS

18 directors were brainstorming potential service

19 delivery model changes for GNETS?

20 A I knew it when I received this email.

21 Q Right.

22 A Yes.

23 Q She informs you in the email that's what

24 they're doing?

25 A Yes.

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1 Q And do you have any understanding of why
2 they were brainstorming those changes?

3 A I'm not sure why they were. There could
4 have been a number of reasons, but I don't have any
5 specific recollections of why they were actually at
6 that session brainstorming.

7 Q Did Ms. Holifield ever have a conversation
8 with you after you received this email about that?

9 A I can't say that I recall having a
10 specific conversation. If I look at the email, I
11 did tell her to call me. But I don't have a
12 recollection of that actual conversation.

13 Q Okay. But here Ms. Holifield is
14 communicating her desire to meet with you to discuss
15 the ideas that she and the other GNETS directors had
16 brainstormed regarding those potential changes in
17 the GNETS service model delivery?

18 A Yes.

19 Q And she tells you that she wants to
20 discuss those ideas with you so that you could tell
21 her and the other directors what was
22 possible/permissible and what was not before they
23 moved forward?

24 A Yes.

25 Q Did you ever have the conversation with

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1 her that she was asking for?

2 A I don't recall having that conversation.

3 Q Am I correct that in this email thread you
4 and Ms. Holifield do agree on a date to have that
5 conversation?

6 A Yes.

7 Q We talked a little bit about therapeutic
8 service and instruction and the GNETS program. Did
9 you understand therapeutic services to be a part of
10 the GNETS service delivery model at the time you
11 were working as a director at DBHDD?

12 A I understood that therapeutic services
13 could be available through GNETS.

14 Q So therapeutic services were part of the
15 services that could be provided in the GNETS
16 program?

17 A I knew that therapeutic services could be
18 services that were provided by GNETS.

19 Q What was your understanding of the extent
20 to which therapeutic services were actually provided
21 in GNETS environments?

22 MS. HERNANDEZ: Object.

23 You can answer.

24 A I don't know. I don't know the specifics.

25 Q So you didn't know to what extent

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1 therapeutic services were being provided in regional
2 units' programs?

3 A I did not know that.

4 MS. GARDNER: I'd like to ask the court
5 reporter to mark this document as Plaintiff's
6 Exhibit 71.

7 (WHEREUPON, Plaintiff's Exhibit-71 was
8 marked for identification.)

9 BY MS. GARDNER:

10 Q The court reporter has handed you what is
11 marked as Plaintiff's Exhibit 71. This is an email
12 from Nakeba Rahming to you dated June 24, 2016. The
13 subject is "Therapeutic Supports."

14 The first page of the email is
15 Bates-stamped GA00197223.

16 This is an email that you received from
17 Ms. Rahming?

18 A Yes.

19 Q And am I correct if you look at the very
20 first page, in the Attachments field, this email
21 included two attachments?

22 A Yes.

23 Q If you turn to the first attachment, which
24 has the Bates No. ending in 7224, do you see that?

25 A Yes.

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1 Q What is the heading at the top of this
2 document?

3 A "Reviews for clinical staff within a
4 therapeutic setting to serve students."

5 Q Were you involved in preparing this
6 document?

7 A I don't recall specifically being involved
8 in preparing this document.

9 Q But you received this document from Ms.
10 Rahming in the context of this email?

11 A Yes, I did.

12 Q Am I correct that in this email Ms.
13 Rahming is asking -- is saying she will call to
14 discuss feedback on these documents?

15 A Yes.

16 Q If you look at the first paragraph of this
17 document, it says: "In an effort to validate the
18 decisions around GNETS provision of therapeutic
19 services for students, a comprehensive review of
20 other identified therapeutic schools were
21 researched."

22 Do you see that?

23 A Yes.

24 Q Then further down in that paragraph, it
25 says: "The programs reviewed and the makeup of

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1 their clinical staff serve as a basis to compare the
2 makeup of the clinical staff at each of the 24 GNETS
3 programs."

4 Do you see that?

5 A Yes.

6 Q This first paragraph goes on to say:
7 "Based on this comparison, it was determined whether
8 or not identified GNETS programs were staffed to
9 provide therapeutic/behavioral service to students
10 with significant Emotional/Behavioral needs like
11 other therapeutic programs."

12 Do you see that?

13 A Yes.

14 Q So this is a document that Ms. Rahming is
15 providing to you for feedback, and it has to do with
16 the review of clinical staff at regional GNETS
17 programs and whether those programs are staffed to
18 provide therapeutic and behavioral services to
19 students?

20 A Yes.

21 Q The bottom portion of this document
22 identifies three schools outside of Georgia that
23 have therapeutic components; is that right?

24 A Yes.

25 Q And for each of these schools it lists the

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1 number of students served in the school, right?

2 A Yes.

3 Q And it also lists the number of clinical
4 staff in the school?

5 A Yes.

6 Q In each section it provides a breakdown of
7 those clinical staff in terms of the kinds of
8 clinical staff at the school?

9 A Yes.

10 Q And do I understand correctly from this
11 document that this information was used as a
12 reference point for comparing the makeup of clinical
13 staff at each of the 24 regional GNETS programs?

14 A According to what's written here, yes.

15 Q Do you have any reason to think that
16 what's written here is not accurate?

17 A No.

18 Q Just under the first paragraph in this
19 first attachment, it says: "Information was
20 triangulated from the GNETS Grant Applications,
21 GNETS Directors Interviews and other Therapeutic
22 programs."

23 What do you understand that to mean?

24 A I'm not sure I understand your question.

25 Q I'm trying to understand what that means.

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1 And you received this document. You
2 worked with Ms. Rahming. So I'm asking, did you
3 have any understanding when you received this as to
4 what was being communicated here?

5 A She was looking at the data that she
6 listed below, looking at the ratio, therapeutic
7 services and staff provided at GNETS. She talked to
8 GNETS directors, and she looked at other therapeutic
9 programs and pulled all of that information
10 together.

11 Q Okay. At bottom of this document it says:
12 "Please see the attached document with an overview
13 of clinical staff serving each GNETS program for the
14 2015-2016 school year."

15 Do you see that?

16 A Yes.

17 Q So if you could turn to the second
18 attachment, and the first page of that is Bates No.
19 GA 00197225.

20 What is the heading at the top of this
21 document?

22 A "Analysis of clinical staff available to
23 provide direct therapeutic/behavior support to
24 students in GNETS programs."

25 Q Can you walk me through what this document

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1 shows?

2 A The Fiscal Agent, the Site, the Clinical
3 Staff, the LEA Funded clinical staff, Contracted
4 Clinical Staff, total number of students served, the
5 ratio of staff to student, Clinical Support,
6 Directors Interviews as of 6/16/2016.

7 Q And those are the headings for every
8 column that move from left to right in the document
9 on the first page?

10 A Yes.

11 Q This document identifies in the site
12 column each of the 24 regional GNETS programs; is
13 that right?

14 A 23. Maybe -- I want to make sure.
15 Yes, yes.

16 Q And when you say yes, yes, did you count?

17 A There's 24. I did.

18 Q And for each of the 24 regional GNETS
19 programs, this chart contains information that falls
20 into those categories of the columns that you read a
21 few moments ago?

22 A Yes.

23 Q Some of the rows on this document are
24 highlighted in a very dark shade as compared to
25 others. Do you see that?

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1 A Yes.

2 Q What is the significance of that shading?

3 A I don't recall.

4 Q Are each of the GNETS programs that are
5 shaded in the darkest color have the text "very
6 concerning" in the column that's titled, "Clinical
7 Support."

8 A Yes.

9 Q And the information in the Clinical
10 Support column, is this a qualitative assessment
11 about the clinical staff at a particular regional
12 GNETS program based on the total number of students
13 served and the ratio of clinical staff to students
14 that's contained in this chart?

15 A I'm not sure if that was the reason it was
16 labeled "concerning" or "very concerning." I don't
17 have that knowledge.

18 Q If you turn to the second page of this
19 document, am I correct there's a legend at the
20 bottom on the right-hand side, has the heading
21 "GNETS Programs?"

22 Do you see that?

23 A Yes.

24 Q Is this the legend that explains when
25 programs were rated very concerning?

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1 A This is an explanation of the ratings.

2 Q Okay. If you turn to the very last page
3 of that attachment, the text on the right half of
4 the document, is this basically a summary narrative
5 of the take-aways of this analysis of clinical staff
6 at regional GNETS programs?

7 A Yes.

8 Q In that summary, am I correct that it
9 says, "Compared to other therapeutic models, many of
10 the GNETS programs are operating below the expected
11 student clinical staff ratio for therapeutic
12 services"?

13 A Yes.

14 Q Moving down to the second paragraph below,
15 it says: "Digging deeper, some of the expected
16 clinical services are being provided by
17 non-credentialed personnel trained by GNETS and/or
18 credentialed in another without formal training or
19 certification to deliver counseling services."

20 A Yes.

21 Q And then in the middle of the last
22 paragraph, it notes that "the major reason for using
23 non-credentialed and under qualified staff are that
24 it is most cost effective or it is all the program
25 can afford due to budget limitations"?

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1 A Yes.

2 MS. GARDNER: I'd like to have the court
3 reporter mark this document as Plaintiff's
4 Exhibit 72.

5 (WHEREUPON, Plaintiff's Exhibit-72 was
6 marked for identification.)

7 BY MS. GARDNER:

8 Q You've been handed Plaintiff's Exhibit 72.
9 This is an email from Nakeba Rahming to you dated
10 July 13, 2017. The subject is "FY18 Therapeutic
11 Staff Assurance."

12 And this email has the Bates stamp
13 GA00198908.

14 This is an email that you received from
15 Ms. Rahming?

16 A Yes.

17 Q And in it she says to you: "Please review
18 and let me know your thoughts. We can work on edits
19 tomorrow."

20 A Yes.

21 Q Ms. Rahming attaches a document to this
22 email that -- at least the file name document
23 appearing on the email page is FY18 Therapeutic
24 Staff Assurances?

25 A Yes.

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1 Q Correct? Okay.

2 If you take a look at the attachment,
3 which is Bates-stamped GA00198909; when Ms. Rahming
4 says that you can work on edits tomorrow, she's
5 referring to edits to this attachment?

6 A Yes.

7 Q What was the purpose of this form?

8 A The purpose of this form was to get
9 assurances from the fiscal agent that funds provided
10 through the GNETS grant would be used for the
11 purposes of providing and/or enhancing therapeutic
12 support services at GNETS.

13 Q So this was a document that would be
14 signed if a GNETS, a regional GNETS program were
15 receiving funds for a service agreement with the
16 provider of clinical services to students?

17 A Say that again.

18 Q Yeah. I'm just clarifying to make sure I
19 understand, this was a document that a regional
20 GNETS program would sign if they were receiving
21 funds for a service agreement basically with a
22 provider of clinical services to GNETS students?

23 A No. This is a form that the fiscal agent
24 would sign to assure the Georgia Department of
25 Education that those funds would be used to provide

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1 or enhance educational and therapeutic supports at
2 the GNETS.

3 Q Okay. So this form would be signed by the
4 fiscal agent?

5 A Correct.

6 Q This form would also be signed by the
7 GNETS director?

8 A Yes.

9 Q And the form was in connection with funds
10 provided to ensure that -- this says temporary
11 therapeutic services. Am I understanding that
12 right?

13 A Yes, you are.

14 Q If you look on the document, in the text
15 that appears in connection with No. 1 -- these are
16 the list of assurances that are being given in this
17 document, right?

18 There's an enumerated list of six of them?

19 A Yes.

20 Q And the first one says, "The fiscal agent
21 will enter no a temporary staffing service agreement
22 with a state approved therapeutic staffing service
23 provider for the current school year"?

24 A Yes.

25 Q So one of the assurances that was required

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1 to be provided was that the fiscal agent entered
2 into a temporary staffing service agreement with a
3 therapeutic staffing service provider that was state
4 approved?

5 A Yes.

6 Q And when this says state approved, is that
7 approval by the Georgia Department of Education?

8 A To my knowledge, no, I do not think the
9 Georgia Department of Education had a list of
10 approved therapeutic staffing services.

11 Q Who decided whether a therapeutic staffing
12 service was state approved?

13 A I don't know the answer to that.

14 Q Moving down, another of the assurances was
15 that the GNETS director would provide data to the
16 Georgia Department of Education with, quote,
17 "caseloads, social-emotional progress monitoring
18 data, and fidelity of therapeutic sessions provided
19 by the contracted therapeutic professional."

20 A No. 4, yes.

21 Q No. 5?

22 A Yes.

23 Q Did you provide Ms. Rahming with any
24 feedback on this document?

25 A I don't recall.

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1 Q Was there any connection between the
2 provision of funds for temporary therapeutic
3 services that's referenced in these assurances and
4 the findings in the document that we just reviewed
5 as Plaintiff's Exhibit 71?

6 MS. HERNANDEZ: Objection.

7 Q You can answer the question.

8 A I, I don't have any knowledge that it
9 is -- that it was.

10 Q So if you turn back to Plaintiff's Exhibit
11 71 for a moment. That was the last document that we
12 looked at, on the last page of the second
13 attachment.

14 That was the page that has an ending
15 Bates-stamp of 7227?

16 A 7227, yes.

17 Q This is where we talked about the key
18 take-aways of the analysis of clinical staff in the
19 regional GNETS programs?

20 A Yes.

21 Q So correct that some of the key findings
22 have to do with a number of regional GNETS programs
23 operated below the expected student clinical staff
24 ratio for therapeutic services?

25 A Yes.

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1 Q And, in addition, having clinical services
2 being provided by noncredentialed personnel?

3 A Yes.

4 Q And then finally that a major reason for
5 using noncredentialed personnel is that it may be
6 all that the regional GNETS program can afford?

7 A Correct.

8 Q So my question to you is whether provision
9 of temporary therapeutic services funds referenced
10 in these assurances was in any way meant to fill the
11 gaps that are identified from this analysis of
12 clinical staff in regional GNETS programs?

13 MS. HERNANDEZ: Objection.

14 Q You can answer.

15 A I cannot say that specifically. I can say
16 that the rule would -- the GNETS rule would have had
17 -- would have spelled out what services had to be
18 available. And as a result of GNETS implementing or
19 -- yes, implementing the rule, they would have had
20 to agree to these assurances.

21 Nakeba would have to make that direct
22 correlation for you. I can't make that direct
23 correlation.

24 Q When you received these summary findings
25 of the analysis of clinical staff in regional GNETS

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1 programs, what was your reaction to those findings?

2 A In --

3 Q Plaintiff's Exhibit 71.

4 A I don't recall what my specific reaction
5 was. This was in June of 2016. So I don't recall
6 specifically what I said or what conversations we
7 had about it. I would say that we would -- we did
8 have conversations -- we would have had
9 conversations about this.

10 Q Do you recall being concerned about it?

11 A Yes, I would have been concerned about it.

12 Q And sitting here today, are the things
13 that are part of these summary findings something
14 that you think is concerning?

15 MS. HERNANDEZ: Objection.

16 Q You can answer the question.

17 A I'm not qualified to determine if it's
18 concerning or not. I, I don't keep up with the
19 GNETS program anymore.

20 Q So you were asked to review the GNETS
21 program and rulemaking in GNETS, and today you have
22 no opinion about whether these findings are
23 concerning?

24 A What I said was if I read these findings,
25 I would have been concerned. Nakeba and I would

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1 have had a discussion about them. I don't have any
2 other comment about it.

3 Q Okay.

4 MS. GARDNER: I'm going to hand the court
5 reporter what I would like to have marked as
6 Plaintiff's Exhibit 73.

7 (WHEREUPON, Plaintiff's Exhibit-73 was
8 marked for identification.)

9 BY MS. GARDNER:

10 Q Ms. Keith Brown, you have been handed
11 Plaintiff's Exhibit 73. This is an email from you
12 to Nakeba Rahming. The subject is "RE: SOBE
13 templates."

14 The email is dated August 16, 2017.

15 The Bates number on this first page is
16 GA00792054.

17 This is an email that you sent to Ms.
18 Rahming?

19 A Yes.

20 Q And in this email you say to Ms. Rahming:
21 "I just made a couple of edits. Track changes did
22 not work so you will have to reread to make sure
23 your voice is accurately represented where I made
24 minor edits."

25 Do you see that?

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1 A Yes.

2 Q In this email you are transmitting two
3 attachments back to Ms. Rahming, to which you made a
4 couple of edits?

5 A Yes.

6 Q Turning to the first attachment, which has
7 a beginning Bates No. GA00792055, correct that the
8 heading of this document says, "Georgia Department
9 of Education, Item for State Board of Education
10 Approval"?

11 A Yes.

12 Q And what was the purpose of a form like
13 this?

14 A This was the form used to submit
15 recommendations for approval or nonapproval for the
16 State Board of Education.

17 Q And this particular item for State Board
18 of Education approval, the item name here includes a
19 reference to "FY18 State Allocation - Therapeutic
20 Services Reimbursement for GNETS Fiscal Agents"?

21 A Yes.

22 Q And then if you look just beneath that,
23 what is the purpose of this particular item for
24 State Board of Education approval?

25 A The purpose of this item is to reimburse

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1 GNETS fiscal agents for cost related to providing
2 therapeutic services, including funding to cover the
3 cost of providing GNETS with personnel to provide
4 therapeutic counseling services to children with
5 identified significant mental health and behavioral
6 needs.

7 Q Looking farther down this document, the
8 request here is -- or the recommendation here, I
9 should say, is for the State Board of Education to
10 authorize the State school superintendent to
11 reimburse GNETS fiscal agents for the purposes you
12 just described in the amount of \$575,000 in state
13 funds?

14 A Yes.

15 Q On the second page of this item for State
16 Board of Education approval, there is a rationale
17 provided for the recommendation. Is that correct?

18 A Yes.

19 Q And at least part of the rationale here
20 says that, and this is the second sentence, "The
21 onsite monitoring revealed some GNETS had a high
22 student to therapeutic staff ratio and/or could not
23 afford to hire therapeutic staff because the
24 2017-2018 GNETS grant funds were not sufficient for
25 some GNETS to cover the cost of hiring or

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1 contracting therapeutic services for each child,
2 particularly those with significant needs."

3 A Yes.

4 Q And then it goes on to say: "The results
5 what's a gap in therapeutic service delivery for
6 some students."

7 A Yes.

8 Q So this item for State Board of Education
9 approval is intended to close some of the gaps in
10 therapeutic services delivery that are referenced
11 here?

12 A Yes.

13 MS. HERNANDEZ: Objection.

14 A Yes.

15 Q Also on that second page, there's a
16 section -- do you see that section titled,
17 "Performance, Criteria, and Results"?

18 A Yes.

19 Q And in the Performance, Criteria and
20 Results section it says that: "GNETS directors will
21 monitor and report to GaDOE the number and percent
22 of students receiving therapeutic services as well
23 as monitor individual progress in each students'
24 IEP/treatment plan"?

25 A Yes.

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1 Q Again, the reference here to GaDOE, that's
2 the Georgia Department of Education?

3 A Yes.

4 Q Moving on to the second attachment to the
5 email, and the first page of this one is
6 Bates-stamped GA00792057.

7 This is also a Georgia Department of
8 Education Item for State Board of Education
9 Approval?

10 A Yes.

11 Q And the item name here includes a
12 reference to "Contract with GSU to provide
13 Functional Behavioral Assessment/Behavioral
14 Intervention Plan (FBA/BIP) Trainer of Trainers."

15 A Yes.

16 Q GSU, the reference here, what does that
17 mean?

18 A Georgia State University.

19 Q And if you move down to the bottom of this
20 page where it says, "Recommendation - Action Item,"
21 am I correct here that the Georgia Department of
22 Education is recommending that the State Board of
23 Education authorize the State school superintendent
24 to enter into a contract with Georgia State
25 University, Center for Leadership and Disability at

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1 a cost not to exceed \$150,000 in state funds?

2 A Yes.

3 Q And that contract was for training school
4 district teachers and students service personnel in
5 how to implement quality FBAs and BIPs?

6 A Yes.

7 Q And this document, like the first item for
8 State Board of Education approval that we reviewed,
9 contains a rationale for why the Georgia Department
10 of Education is recommending this item?

11 A Yes.

12 Q That rationale appears on Page 2 of this
13 second attachment?

14 A Yes.

15 Q Were the two items for State Board of
16 Education approval attached to your email ultimately
17 submitted to the State Board of Education?

18 A I cannot say for certain, but based on
19 what's in front of me, I would say that is accurate.

20 Q Were they approved?

21 A I don't recall that they were not
22 approved.

23 Q Do you recall Georgia State being involved
24 in FBA and BIP training?

25 A Yes, I do.

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1 MS. GARDNER: I'm going to hand the court
2 reporter what I would like to be marked as
3 Plaintiff's Exhibit 74.

4 (WHEREUPON, Plaintiff's Exhibit-74 was
5 marked for identification.)

6 BY MS. GARDNER:

7 Q The court reporter has handed you
8 Plaintiff's Exhibit 74. This is an email from
9 Nakeba Rahming to you dated August 22nd, 2017. The
10 subject is "Please provide feedback."

11 The Bates-stamp on this document is
12 GA00198949.

13 This is an email that Ms. Rahming sent to
14 you?

15 A Yes.

16 Q Keeping with our discussion about clinical
17 staff and regional GNETS programs, the first sort of
18 set of text with hashmarks in front of them, if you
19 see that, says: "The GADOE has identified gaps in
20 clinical staff (i.e., certified or licensed social
21 workers and psychologists) to provide intensive
22 individualized therapeutic to students served by
23 GNETS."

24 Do you see that?

25 A Yes.

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1 Q And then just beneath that, it says:
2 "Based on this information, GaDOE has approved
3 therapeutic staffing agencies to contract with GNETS
4 fiscal agents to fill these identified gaps."

5 Do you see that?

6 A Yes.

7 Q We discussed earlier in the context of the
8 assurances that we looked at that there were
9 therapeutic staffing agencies that had to be
10 approved. Do you recall that?

11 A Yes.

12 Q And am I correct in understanding from
13 this particular document that it says that GaDOE has
14 approved those therapeutic staffing agencies?

15 A Yes.

16 Q The bottom of this email, it notes two
17 options for fiscal agents to consider.

18 Do you see that?

19 A Yes.

20 Q The first one says, "The fiscal agent may
21 receive a reimbursement from GaDOE for provision of
22 clinical therapeutic related services only when
23 entering into an agreement with a GaDOE approved
24 provider."

25 A Yes.

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1 Q So again in the assurances that we looked
2 at, the reimbursement for therapeutic services only
3 applied in the event the physical agent entered into
4 an agreement with the provider that the Georgia
5 Department of Education had approved?

6 A Correct.

7 Q There's a second option here that says:
8 "The fiscal agent may determine how therapeutic
9 services such as skills-based interventions would be
10 provided by non-certified personnel as well as
11 clinical therapeutic related services for intensive
12 students by licensed/certified personnel without a
13 reimbursement from GaDOE."

14 What did you understand that option to
15 mean?

16 A I, I don't -- I don't know other than if
17 the fiscal agent was going to use its local funding
18 to pay for the services.

19 Q When you say local funding to pay for
20 service, so for -- you mentioned many of the fiscal
21 agents are RESAs. You're saying a RESA's own
22 budget?

23 A No, I'm not saying a RESA's own budget.
24 I'm saying the fiscal agent may have local funds
25 that they could use to provide these services.

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1 Where those funds come from, I don't know.

2 Q Okay. But that statement is inclusive of
3 RESAs, is what I'm asking?

4 A The statement would be inclusive of any
5 fiscal agent that would include RESAs.

6 MS. GARDNER: I'm going to have the court
7 reporter what I would like to be marked as
8 Plaintiff's Exhibit 75.

9 (WHEREUPON, Plaintiff's Exhibit-75 was
10 marked for identification.)

11 BY MS. GARDNER:

12 Q Ms. Keith Brown, you have been handed
13 Plaintiff's Exhibit 75. This is an email from you
14 to Larry Winter, dated September 26th, 2017. The
15 subject is "GNETS."

16 The Bates-stamp on this document is
17 GA00481696.

18 This is an email that you sent to Mr.
19 Winter?

20 A Yes.

21 Q It's a very short email. It says: "Staff
22 has been hired to provide services."

23 Do you see that?

24 A Yes.

25 Q And what was this referencing?

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1 A I have no idea other than staff had been
2 hired to provide services.

3 Q This is an update to Mr. Winter about
4 GNETS?

5 A I'm assuming that it would have been, yes,
6 because it says: "Subject, GNETS."

7 Q Okay. So you were advising Mr. Winter
8 that staff had been hired to provide services and
9 somehow that was related to GNETS?

10 A Yes.

11 MS. GARDNER: I'm going to hand the court
12 reporter what I would like to be marked as
13 Plaintiff's Exhibit 76.

14 (WHEREUPON, Plaintiff's Exhibit-76 was
15 marked for identification.)

16 BY MS. GARDNER:

17 Q You've been handed Plaintiff's Exhibit 76.
18 This is an email from Nakeba Rahming to you. The
19 subject is "Medicaid and education."

20 The Bates-stamp of this email is
21 GA00197763.

22 This is an email Ms. Rahming sent to you?

23 A Yes.

24 Q And in this email she says, "See the
25 attached"?

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1 A Yes.

2 Q And attached is a document that bears the
3 title on the document itself "Medicaid in
4 Education"?

5 A Yes.

6 Q And the first -- just for the record, the
7 Bates-stamp of the first page of that attachment is
8 GA00197764.

9 Am I correct this appears to be a
10 presentation prepared by Ben of the Georgia
11 Department of Community Health?

12 A Yes.

13 Q And that presentation is dated August 28,
14 2014?

15 A Yes.

16 Q But this is being sent to you in September
17 of 2016, correct?

18 A Correct.

19 Q Why did you understand Ms. Rahming to be
20 sending this presentation to you?

21 A We would have been exploring all the
22 resources that were available in Georgia and all of
23 the opportunities for funding those resources. So
24 she would have sent anything relevant to that to me.

25 Q If you turn to Page 5 of the presentation.

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1 A Yes.

2 Q This page of the presentation discusses
3 two school-based Medicaid programs, right?

4 A Yes.

5 Q One of them is Children's Intervention
6 School Services, or CISS?

7 A Yes.

8 Q The other one is Administrative Claiming
9 for Education, or acronym ACE?

10 A Yes.

11 Q Then if you flip over to -- just take a
12 look at Pages 9 through 11.

13 A Okay.

14 Q These pages outline the requirements for
15 participating in the CIS -- CISS program?

16 A Yes.

17 Q And then am I right that beginning on Page
18 12 there are two pages that similarly discuss the
19 requirements for ACE?

20 A Yes.

21 Q At the time you were doing work related to
22 GNETS, was any part of the cost of GNETS services
23 billed to Medicaid?

24 A I don't have any knowledge of that.

25 Q Were there ever discussions exploring

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1 Medicaid as a source of financial support for
2 providing therapeutic services to students served by
3 GNETS?

4 A I don't understand. With whom?

5 Q What do you mean with whom?

6 A Who are you asking me?

7 Q Did you participate in any discussions
8 with anyone exploring Medicaid as a source of
9 financial support for providing therapeutic services
10 to students served by GNETS?

11 A I can't recall having a discussion.

12 Q Apart from any discussions, did you ever
13 explore whether GNETS services would qualify for
14 Medicaid reimbursement?

15 A I personally did not do that.

16 Q I am going to start a new line of
17 questions and I want to check-in to find out if you
18 would like a break or keep going?

19 A We can keep going.

20 Q Okay.

21 MS. GARDNER: I'm going to ask this be
22 marked as Plaintiff's Exhibit 77.

23 (WHEREUPON, Plaintiff's Exhibit-77 was
24 marked for identification.)
25

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1 BY MS. GARDNER:

2 Q Sorry, before we start with this document,
3 I just want to go back for a second and ask one more
4 question on our conversation about Medicaid.

5 In the work that you were doing with the
6 GNETS program, when you were a director at DBHDD, if
7 Medicaid funds were being used to fund services
8 provided in GNETS, would you have expected to know
9 about that at the time?

10 A No. It was not my role.

11 Q Funding issues were something that you
12 were not a part of?

13 A Specifically funding issues were not. I
14 was responsible for the three roles that I discussed
15 earlier. As a result of those three roles, funding
16 could have come up, just like other -- like the need
17 for a position that Nakeba was hired for.

18 Q Okay. But Medicaid funding was not one of
19 the kinds of funding that came up?

20 A Medicaid would not have been the kind of
21 funding that I would have had a discussion about.

22 Q Turning to Plaintiff's Exhibit 77, which
23 the court reporter has handed to you, this is an
24 email from Larry Winter to Matt Jones, you, M Royal,
25 with a cc: to Debbie Caputo. The subject is

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1 "GNETS."

2 The email was sent on May 12, 2016, and
3 the Bates-stamp is GA00197127.

4 A Yes.

5 Q This email contains an email from Mr.
6 Winter that is intended for you -- sorry.

7 You were copied on this email, correct?

8 A Correct.

9 Q But in the email, and this is Mr. Winter
10 writing, it says: "Debbie Caputo, please forward to
11 Debbie Gay and Nakeba Rahming." Right?

12 A Correct.

13 Q In this email Mr. Winter says: "First of
14 all, thanks to you all for your work on the GNETS
15 Strategic Plan. I read it last evening."

16 Do you see that?

17 A Yes.

18 Q And then moving down to the next
19 paragraph, he says: "By way of preparation for
20 tomorrow's meeting, I realize the strategic plan
21 document is designed to be a coaching tool rather
22 than an instrument to monitor compliance or
23 effectiveness of program practices."

24 And then he poses a series of questions.

25 Is that an accurate description of the

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1 document?

2 A Yes.

3 Q I'd like to hand you what will be marked
4 as Plaintiff's Exhibit 78.

5 (WHEREUPON, Plaintiff's Exhibit-78 was
6 marked for identification.)

7 BY MS. GARDNER:

8 Q You've been handed Plaintiff's Exhibit 78.
9 This is an email from Nakeba Rahming to you, dated
10 May 12, 2016. The subject is "Responses."

11 The email contains an attachment that is a
12 Microsoft Word document titled, "Responses for Mr.
13 Winter Questions."

14 And the document beginning Bates number is
15 GA00197151.

16 You received this email from Ms. Rahming?

17 A Yes.

18 Q And in this email Ms. Rahming says to you:
19 "I sent them to Debbie for review. I would like for
20 you to review them as well." Right?

21 A Yes.

22 Q And when she says, "I sent them," she is
23 referring to the responses that are attached to this
24 email?

25 A Yes, I think so. That is the case.

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1 Q And these are responses to the questions
2 that Mr. Winter posed in the initial email that we
3 looked at in Plaintiff's Exhibit 77?

4 A Yes.

5 Q So Ms. Rahming is asking you to review her
6 responses to Mr. Winter's questions before they go
7 to Mr. Winter?

8 A Yes.

9 Q And then on the second page, which is the
10 attachment, has a Bates stamp GA00197152, there is
11 -- there are text annotations following Mr. Winter's
12 questions. Is that an accurate description?

13 A Yes.

14 Q And those responses to Mr. Winter's
15 questions appear in italicized font?

16 A Yes.

17 Q The original questions are not italicized?

18 A That's correct.

19 Q Before we get into his questions, in the
20 second paragraph Mr. Winter references the strategic
21 plan document.

22 Do you see that?

23 A Yes.

24 Q This is the same strategic plan that we
25 talked about earlier when we were talking about sort

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1 of the big categories of activities related to GNETS
2 that you may have been involved in either as your
3 own project or reviewing because Ms. Rahming worked
4 on it?

5 A No.

6 Q No? This is a different strategic project
7 plan?

8 A This is the GNETS Strategic Plan.
9 Correct, yes.

10 Q This is the GNETS Strategic Plan that you
11 indicated was primarily Ms. Rahming's
12 responsibility?

13 A Yes.

14 Q Ms. Rahming was providing updates to you,
15 and you were providing guidance to her as she worked
16 on that strategic plan?

17 A Yes.

18 Q Okay. Did you agree with the statement
19 here that the strategic plan document is designed to
20 be a coaching tool?

21 A Yes.

22 Q Okay. In what way was the strategic plan
23 a coaching tool?

24 A It was a coaching tool in that it allowed
25 the GNETS to reflect on their practices and services

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1 and their procedures for implementing the State
2 Board of Education rule based on the guidance that
3 was provided in the GNETS manual, and then get
4 feedback from Nakeba and other staff on what support
5 and services they may need to make sure that they
6 were meeting areas which they thought they may need,
7 need additional assistance.

8 Q Okay. And when you say they -- the GNETS
9 could get feedback from Nakeba and other staff, what
10 other staff are you referring to?

11 A They would have been able to get feedback
12 from the special education staff at the Georgia
13 Department of Education.

14 Q Okay. Any other staff?

15 A Not specifically.

16 Q So moving to Mr. Winter's first set of
17 questions, which appear in sort of the third full
18 paragraph down, begins with "However."

19 Do you see that?

20 A Yes.

21 Q It says: "However, is there a document
22 that outlines the GNETS program from the State
23 perspective? Do we have a document that outlines
24 the role of the DOE GNETS staff in ensuring quality
25 and compliance with Georgia's plan at the GNETS

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1 level?"

2 Those were the questions that Mr. Winter
3 posed, correct?

4 A Yes.

5 Q What did you understand when Mr. Winter's
6 said the role of DOE GNETS staff? Who did you
7 understand that to refer to?

8 A He would have been referring to Nakeba.

9 Q And anyone else?

10 A I do not recall if at that time Nakeba had
11 other staff working with her, but if she did, that
12 is who he would have been referring to.

13 Q So it would have -- the DOE GNETS staff
14 would have referred to Ms. Rahming and anyone else
15 who may have been on her staff at that time?

16 A Yes.

17 Q There's also a reference here to assuring
18 quality and compliance with Georgia's plan at the
19 GNETS level.

20 What is the reference to Georgia's plan
21 mean?

22 A My best recollection would be the
23 operations manual in terms of how that is going to
24 be implemented at the GNETS, which is guidance for
25 how to implement the State Board of Education rule.

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1 Q And Ms. Rahming's response to that
2 particular set of questions is: "Yes. That's the
3 Project Management Plan. We can have a copy of the
4 most updated version at the meeting tomorrow."

5 A Yes, that was her response.

6 Q Did you agree with this response?

7 A Yes.

8 Q And this project management plan that's
9 referenced here, this is the same project management
10 plan that we discussed you began with those three
11 core areas before Ms. Rahming's hire?

12 A No.

13 Q This is a different document?

14 A This is the -- yes, this is a different
15 document.

16 Q Okay. And what is this document, the
17 project management plan?

18 A This is the document that I discussed with
19 you earlier that Nakeba and I discussed at our
20 meetings that we had.

21 Q Okay. And so we also had a conversation
22 in the context of your interviewing Ms. Rahming when
23 she sent the three follow-up questions after her
24 interview?

25 A Yes.

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1 Q And I thought I understood from that
2 conversation that for the project management plan,
3 that you started the project management plan with
4 sort of three core areas, I believe one of which
5 involved hiring Ms. Rahming; and that when Ms.
6 Rahming came on, you and she both worked on a
7 project management plan together.

8 Is that incorrect?

9 A That's incorrect. It needs explanation.

10 Q So please correct me.

11 A So I started a project management plan to
12 identify the work that I needed to do. Part of the
13 project management plan that I created for myself
14 was to hire Nakeba Rahming -- well, was to hire a
15 person, and it turned out to be Nakeba. And
16 together we developed a project management plan
17 moving forward. That could have or -- included some
18 of the recommendations that I made to the State
19 Board of Education.

20 Q Okay. So that project management plan
21 that you and Ms. Rahming created together, did it
22 have those original three items that you started
23 with on that project management plan?

24 A Correct.

25 Q And then you and Ms. Rahming added to that

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1 project management plan at some point later?

2 A Correct.

3 Q Okay. Was there anyone else who worked on
4 that project management plan that the two of you
5 worked on together?

6 A I don't recall anyone working on it at the
7 time Nakeba and I were working on it.

8 Q And who maintained that project management
9 plan document?

10 A Nakeba.

11 Q Did you ever edit or make changes to that
12 document?

13 A We would have had discussions about the
14 items on the project management plan during our
15 meetings, and if I had any questions or feedback or
16 suggestions or recommendations, then it would have
17 been made, and I may have made them myself or I may
18 have given them to Nakeba.

19 Q So updates may have been made by you
20 personally or by Nakeba?

21 A Correct.

22 Q But Nakeba maintained the project
23 management plan document?

24 A It was her responsibility to maintain that
25 document.

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1 Q Moving on to the sort of second question
2 section here that begins with Mr. Winter's question:
3 "Do we have an outline of what a recommended
4 treatment program at the local level will look
5 like?"

6 You see that?

7 A Yes.

8 Q And Ms. Rahming's response is: "We are
9 working on this. It will be titled, as a Framework
10 for Integrated Mental Health and Behavioral-Related
11 Educational Services and serve as the GNETS Service
12 Delivery Model. It is in the very early stages."

13 Is that an accurate reading of her
14 response?

15 A Yes.

16 Q Was this framework that was going to
17 become the recommended treatment program at the
18 local level ever completed?

19 A I don't know because as Nakeba became more
20 and more familiar and took on additional
21 responsibilities, then my responsibilities for
22 working on -- working -- being really very involved
23 in the specific work became less and less.

24 So I would have been providing guidance.
25 I would have been helping her to figure out key

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1 players, but I would not have been working on this
2 particular document because I did not have that
3 expertise.

4 Q But you understood from this document that
5 Ms. Rahming was working on a recommended treatment
6 program at the local level and that it was going to
7 have this title?

8 A Yes.

9 Q When Mr. Winter speaks about a recommended
10 treatment program at the local level, was that a
11 reference to a recommended treatment program in
12 GNETS programs?

13 What did you understand him to be
14 referring to there?

15 A I thought he was referring to the GNETS
16 program.

17 Q Moving on to the next question that Mr.
18 Winter poses, he says: "Does this recommended
19 program have an outcome based monitoring plan of the
20 individual GNETS locations for DOE to monitor the
21 effectiveness of treatment at each GNETS program?"

22 That's his next question, right?

23 A Yes.

24 Q And then Ms. Rahming's response is:
25 "Tools for monitoring fidelity of the service

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1 delivery model will be identified and included in
2 the framework. GNETS Directors will be trained on
3 all tools and resources."

4 Have I accurately represented that?

5 A Yes.

6 Q Were those tools for monitoring fidelity
7 of the service delivery model identified?

8 A I don't recall.

9 Q Were directors trained on tools and
10 resources?

11 A I don't remember. That was in 2016.

12 Q But the plan at this time was to identify
13 tools for monitoring fidelity of the service
14 delivery model?

15 A Correct.

16 Q Moving down to the next question posed by
17 Mr. Winter, he says: "Have we discussed the
18 staffing of DOE's GNETS' department to deal with
19 treatment?"

20 Do you see that?

21 A Yes.

22 Q And Ms. Rahming's response is: "Yes. We
23 are having discussions around this, we are
24 collecting this information from GNETS directors in
25 June to identify if any of the programs have a gap

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1 in staff members for therapeutic supports."

2 And then she continues on, but that's the
3 beginning of her response; is that right?

4 A Yes.

5 Q This information that was going to be
6 collected from GNETS directors to determine whether
7 there was a gap in staff members, is this part of
8 the information that was referenced in the summary
9 of the analysis of clinical staff in regional GNETS
10 programs that we looked at earlier?

11 A Yes.

12 MS. GARDNER: I'd like to hand the court
13 reporter what I am requesting be marked as
14 Plaintiff's Exhibit 79.

15 (WHEREUPON, Plaintiff's Exhibit-79 was
16 marked for identification.)

17 BY MS. GARDNER:

18 Q You have been handed Plaintiff's Exhibit
19 79. This is an email from Nakeba Rahming to you
20 dated February 12, 2016. The subject is "Draft #2
21 strategic plan."

22 And this cover email has a Bates stamp
23 GA00196865.

24 This is an email that Ms. Rahming sent to
25 you?

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1 A Yes.

2 Q And she says to you, quote: "I may be
3 referencing this document in our meeting with Stacey
4 so I wanted to make sure you had a copy."

5 Is that right?

6 A Yes.

7 Q And she attaches the document to her
8 email. So if you will take a look at that
9 attachment. The beginning Bates number of the
10 document is GA00196866.

11 Do you see that document?

12 A Yes.

13 Q Is this a copy of the strategic plan that
14 has come up in our conversation today?

15 A Yes.

16 Q This is an early version of the strategic
17 plan; is that fair?

18 A Yes.

19 Q And on the face of this attachment it
20 says, the lower right-hand corner, "Draft Number 2,"
21 February 11, 2016?

22 A Yes.

23 Q The title of this, just to give its full
24 title, says, "Georgia Network for Educational and
25 Therapeutic Support, Strategic Plan &

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1 Self-Assessment Guide." Is that right?

2 A Yes.

3 Q Had you seen a version of this document
4 prior to receiving this email from Ms. Rahming?

5 (Witness reviews exhibit.)

6 A Yes.

7 Q You had seen a version of this document
8 prior to receiving this email from Ms. Rahming?

9 A Yes.

10 Q When did you first see a version of the
11 Strategic Plan & Self-Assessment Guide?

12 A I don't remember when I first saw the
13 document.

14 Q But some time before receiving this draft
15 No. 2?

16 A Yes.

17 Q Did Ms. Rahming draft the Strategic Plan &
18 Self-Assessment Guide herself?

19 A It is my belief that she did, yes.

20 Q And did you review versions of that
21 Strategic Plan & Self-Assessment Guide?

22 A Yes.

23 Q Did you provide comments and feedback on
24 the Strategic Plan & Self-Assessment Guide?

25 A Yes.

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1 Q Did anyone else review or provide feedback
2 on the Strategic Plan & Self-assessment Guide?

3 A I'm not certain. She may have asked staff
4 in the Special Education Division to review it. But
5 I don't know. She may have asked GNETS as well, but
6 I can't specifically recall if that is a yes or a
7 no.

8 Q Okay. What did you understand the process
9 by which the content of this document was developed
10 to be?

11 A I believe a group of GNETS directors were
12 a part of the development of the strategic plan. I
13 know there were other key personnel in the Special
14 Education Department, specifically Debbie Gay.
15 There may have been other staff persons.

16 And I know that information from GNETS
17 program director -- GNETS directors, as well as
18 other information that Nakeba may have known, would
19 have got into the content of this strategic plan.

20 Q Did Ms. Rahming ultimately make the call
21 on sort of what finally would be included in this
22 Strategic Plan & Self-Assessment Guide?

23 A I think it was a collaborative decision
24 between -- I was a part of the decision-making.
25 Debbie Gay would have been part of the

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1 decision-making, Nakeba, and if I'm not mistaken, I
2 think the Strategic Planning Committee of the GNETS
3 group would have been a part of the final
4 decision-making as well.

5 So it would have been a collaborative
6 decision.

7 Q So I want to walk through this draft of
8 the Strategic Plan & Self-assessment Guide.

9 This is -- or is this a version of
10 strategic plan that Mr. Winter referred to as a
11 coaching tool in the email that we previously looked
12 at?

13 A Yes.

14 Q And am I correct in understanding that the
15 Strategic Plan & Self-assessment Guide is broken up
16 into sort of six primary sections?

17 A This draft has seven sections.

18 Q Does it have seven sections?

19 A Yes.

20 Q Oh. The last one is facilities. Okay.

21 So there are seven primary sections that
22 the Strategic Plan & Self-Assessment Guide is broken
23 up into?

24 A Yes.

25 Q At least this draft?

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1 A Correct.

2 Q And then within each of the sections of
3 the Strategic Plan & Self-Assessment Guide there is
4 an identified goal related to that section; is that
5 right?

6 A Correct.

7 Q And then beneath the goal there are
8 enumerated action items related to that goal?

9 A Correct.

10 Q And then this strategic plan identifies
11 the frequency with which those action items should
12 be done?

13 A Correct.

14 Q It also identifies the person responsible
15 for those action items?

16 A Correct.

17 Q It contains a column that's titled,
18 "Activities." What is that for?

19 A It is a list of the activities expected to
20 happen as a result of the action items.

21 Q Okay. And what about Measure/
22 Documentation? What is that?

23 A It is the documentation that would need to
24 be provided to document that the activities action
25 items goals, goals were met.

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1 Q And when you say would need to be
2 provided, provided to who?

3 A If -- actually, the GNETS would have
4 needed to make sure that they maintained that
5 documentation and provide it to Nakeba if she
6 requested that information.

7 Q The strategic plan also identifies the
8 resources that are needed for the enumerated action
9 items?

10 A Yes.

11 Q And then on the far right there is a
12 section that's titled "Rating Scale," right?

13 A Correct.

14 Q And is this a rating as to whether the
15 action item has been met?

16 A Yes.

17 Q For each item that's rated, there are
18 three potential ratings offered in the strategic
19 plan? Is that correct?

20 A Yes.

21 Q And what are those ratings?

22 A Not evident, emerging, and operational.

23 Q And am I correct that the legend that
24 tells you what evident, emerging and operational
25 means appears on the very first page of the

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1 Strategic Plan & Self-assessment Guide?

2 A You are correct.

3 Q How would programs be rated in the areas
4 identified by this Strategic Plan & Self-assessment
5 Guide?

6 A How would programs --

7 Q How would regional GNETS programs be rated
8 in the areas identified by this Strategic Plan &
9 Self-Assessment Guide?

10 A I'm not sure I understand your question.

11 Q So we just went through the way that the
12 Strategic Plan & Self-Assessment Guide is
13 structured, and you told me that there is a rating
14 scale for every action item that is included in the
15 strategic plan, right?

16 A Correct.

17 Q Am I correct in understanding that this
18 rating was a rating of a regional GNETS programs
19 implementation of action items?

20 A It is a rating of -- it's a
21 self-assessment rating of each GNETS, and they would
22 rate the scale according to the evidence that they
23 were able to provide.

24 Q So the ratings that appear in the
25 Strategic Plan & Self-Assessment Guide are

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1 self-assessments by the regional GNETS programs of
2 themselves?

3 A It is a -- it is a self-assessment guide.

4 Q Okay. Were the ratings that regional
5 GNETS programs assigned to themselves initially the
6 final ratings?

7 A It is my understanding that Nakeba would
8 have reviewed the ratings -- self-assessment guide
9 for each GNETS, and then would have looked for the
10 evidence that supported that rating at the GNETS,
11 and they would have had a discussion about the
12 rating and they would have come to an agreement on
13 the accuracy of the rating.

14 Q So regional GNETS programs would begin by
15 rating themselves on the self-assessment? That's
16 the first step?

17 A Correct.

18 Q And then Ms. Rahming would review the
19 ratings using a self-assessment guide to look for
20 evidence supporting those ratings for each regional
21 GNETS programs? That was kind of a second step?

22 A Correct. Under the resources that were
23 needed to show the justification for the rating.

24 Q Okay. And when Ms. Rahming did that, did
25 she look for the evidence supporting the rating

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1 while on-site with regional GNETS programs?

2 A Yes.

3 Q And then you said while she was on-site
4 that she would have had discussions with the
5 regional GNETS programs about their ratings in light
6 of the evidence that she reviewed related to those
7 ratings?

8 A I cannot say for certain that it was
9 on-site with every -- I'm sorry -- GNETS director
10 because it could have been at a GNETS meeting, and
11 the GNETS director brought their evidence with them.

12 So there could have been a number of ways
13 that she would have reviewed the data supporting the
14 justification for the rating that a GNETS would have
15 assigned their GNETS.

16 Q Okay. But whether her review occurred
17 on-site or elsewhere, she would have reviewed the
18 regional GNETS program's initial self-assessment
19 rating to look for evidence supporting that rating,
20 and then had a discussion with the regional GNETS
21 program about that?

22 A Correct.

23 Q Were the ratings for each regional GNETS
24 program, the sort of final ratings for each regional
25 GNETS program, maintained somewhere?

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1 A I'm not sure.

2 MS. GARDNER: I'm going to hand you what
3 I'd like to have marked as Plaintiff's Exhibit
4 80.

5 (WHEREUPON, Plaintiff's Exhibit-80 was
6 marked for identification.)

7 BY MS. GARDNER:

8 Q You have been handed Plaintiff's Exhibit
9 80. This is an email from you to Nakeba Rahming.
10 The subject is "Guidance for completing strategic
11 plan and self-assessment." The email is dated
12 October 17, 2016.

13 The Bates-stamp on the cover email is
14 GA00053667.

15 This is an email that you sent to Ms.
16 Rahming?

17 A Yes.

18 Q And here you say: "I finally finished the
19 guidance document"?

20 A Yes.

21 This is a document that you were working
22 on?

23 A Yes.

24 Q And it says here that you look forward to
25 reviewing with Ms. Rahming the needed edits?

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1 A Yes.

2 Q You attach the guidance documents that
3 you're referencing to that email, right?

4 A Yes.

5 MS. GARDNER: I'll note for the record the
6 first page of that attachment is Bates-stamp
7 GA00053668.

8 BY MS. GARDNER:

9 Q Turning to the attachment, what is the
10 title at the top of this document?

11 A The title is "Guidance for Completing the
12 GNETS Strategic Plan and Self-assessment Rubric."

13 Q Did you draft this document?

14 A No.

15 Q What was your role with respect to this
16 document?

17 A I was to give feedback to Nakeba with
18 respect to this document.

19 Q So Ms. Rahming drafted this document
20 initially?

21 A Yes.

22 Q And I take it at some point prior to this
23 email that you sent to Ms. Rahming on October 17,
24 2016, she requested that you review this document?

25 A Yes.

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1 Q And here, when you say you finally
2 finished the guidance document, are you saying you
3 finished reviewing it?

4 A Yes.

5 Q And you're attaching your reviewed
6 version, and I don't know if this contains feedback
7 or edits from you, but is that what was happening
8 here?

9 A I don't know if this included my feedback
10 or not, but, yes, that would have been what I was --
11 I would have reviewed the document and sent her the
12 attached document with my reviews.

13 Q Understood. What was the purpose of this
14 document?

15 A This document was to serve as a
16 self-assessment tool for the GNETS program directors
17 and to outline the expectations for all of the
18 GNETS, and to ensure that the components in the
19 State Board of Education rule was included in the
20 work -- was included in the strategic plan, so that
21 the department could ensure that GNETS were aware of
22 all the requirements in the State Board rule and how
23 those requirements were to be implemented in
24 accordance with the guidance document.

25 Sometimes I say operational -- operational

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1 manual, but the guidance document.

2 Q So you said -- you described this as a
3 self-assessment tool for the GNETS program
4 directors?

5 A It is a strategic plan and self-assessment
6 tool for the GNETS directors, yes.

7 Q Okay.

8 A For the GNETS program, yes.

9 Q And just so that I am clear, this document
10 is different from the Strategic Plan &
11 Self-assessment Guide that we just looked at,
12 correct?

13 A This document is the guidance for
14 completing the GNETS Strategic Plan and
15 Self-Assessment Rubric, which is the document we
16 looked at in Plaintiff's Exhibit No. 79, GNETS
17 Strategic Plan & Self-Assessment Guide.

18 Q So is it fair to think of this as somewhat
19 of a companion to that document that you looked at
20 in Plaintiff's Exhibit 79?

21 A Yes.

22 Q Okay. This guidance document lists
23 documentation and evidence that can be used to
24 determine those self-assessment ratings in each of
25 the broad areas of the strategic plan, correct?

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1 A Yes.

2 Q And it also provides criteria for
3 determining which rating as between operational,
4 emerging, and not evident should be selected?

5 A Yes.

6 Q And when I say it provides criteria for
7 determining which rating should be selected,
8 initially the rating would be selected by the
9 regional GNETS programs?

10 A Yes.

11 MS. HERNANDEZ: Kelly, can we take a
12 five-minute break?

13 MS. GARDNER: Yes.

14 THE VIDEOGRAPHER: Off the record at 3:55
15 p.m.

16 (A recess was taken.)

17 THE VIDEOGRAPHER: We're back on the
18 record at 4:04 p.m.

19 MS. GARDNER: We're marking what is
20 Plaintiff's Exhibit 81.

21 (WHEREUPON, Plaintiff's Exhibit-81 was
22 marked for identification.)

23 BY MS. GARDNER:

24 Q You have been handed what is marked as
25 Plaintiff's Exhibit 81. This is an email from

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1 Nakeba Rahming to you, dated June 21st, 2017. The
2 subject is "Revised Version."

3 And this cover email is Bates-stamped
4 GA00152557.

5 This is an email that Ms. Rahming sent to
6 you?

7 A Yes.

8 Q And this email is sent in response to an
9 earlier email that you sent to Ms. Rahming on
10 Wednesday, June 21st, 2017, at 11:46 a.m.?

11 A Yes.

12 Q Then if you look at the very bottom of the
13 page, which is the earliest in time email, Ms.
14 Rahming is forwarding to you a document, and she
15 says, "Please let me know if this makes sense."

16 A Yes.

17 Q So this is similar to what we've seen
18 before, some back and forth between you and Ms.
19 Rahming, with her providing you documents and you
20 reviewing them and providing guidance and feedback?

21 A Yes.

22 Q Okay. Ms. Rahming attaches two documents
23 to the email that she sends to you when he says
24 "here is the revised version"?

25 A Yes.

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1 Q And am I correct in understanding that
2 those attachments contain revisions in response to
3 the content of your email to Ms. Rahming on
4 Wednesday, June 21st, 2017, at 11:46 a.m.?

5 A Yes. Except the actual -- yes, yes. I'm
6 sorry. Yes.

7 Q Please tell me if I'm wrong, am I right in
8 understanding that the guidance that you provide to
9 Ms. Rahming in your email to her on Wednesday, June
10 21st, 2016 is related to the second attachment to
11 this email?

12 A Yes, you're correct.

13 Q So the first attachment to Ms. Rahming's
14 email to you is a document that has a header that is
15 "The ABC's of Strategic Planning"?

16 A Yes.

17 Q And then the second attachment has a
18 header that says, "FY17 Baseline Results for GNETS
19 End of Year Strategic Plan Compliance Review.
20 Reviews conducted by the Georgia Department of
21 Education"?

22 A Yes.

23 Q And that second attachment, the first page
24 is Bates-stamped GA00152559.

25 In your email to Ms. Rahming on Wednesday,

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1 June 21st, 2017, one of the things you say to Ms.
2 Rahming is: "I think this will work. Call it a
3 scoring Guide and bullet each of the three main
4 areas, then indent. See below."

5 A Yes.

6 Q And then am I correct you kind of mock out
7 what your suggested structure for that second
8 attachment should be?

9 A Yes.

10 Q Turning to the second attachment, which is
11 the FY17 Baseline Results for GNETS End of Year
12 Strategic Plan Compliance Review, what do you
13 understand baseline to mean here?

14 A It was my understanding that this would
15 have been the first rating, and therefore the
16 baseline. And any subsequent rating or review would
17 have been compared to this, the baseline.

18 Q And when you say this would have been the
19 first rating, you are referring to the first set of
20 self-assessment ratings for the regional GNETS
21 programs under the Strategic Plan & Self-Assessment
22 Guide?

23 A Yes.

24 Q This document provides a summary that
25 explains generally how the review process works,

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1 right?

2 A Yes.

3 Q Is that an accurate summary of how the
4 review process worked?

5 A Yes.

6 Q It says at the beginning of the review
7 process that: "GNETS directors and their leadership
8 teams were charged with implementing the components
9 of the GNETS strategic plan."

10 Do you see that?

11 A Yes.

12 Q Who charged the GNETS directors and their
13 leadership teams with implementing the strategic
14 components in the plan?

15 A That would have been Nakeba.

16 Q Looking at the last two sentences of this
17 review process, do you see the sentence beginning
18 "If the evidence presented clearly supports the
19 implementation of the components"?

20 A Yes.

21 Q Does this refer to the process that we
22 discussed earlier where regional GNETS programs
23 initially self-assess and select a rating and then
24 Ms. Rahming would review that rating in light of the
25 evidence that existed, and if the evidence supported

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1 the rating, the rating would stand; and if not, then
2 the rating would be changed to more accurately
3 reflect the level of implementation?

4 A That is correct.

5 Q In this review process paragraph, it also
6 says: "GaDOE provided a rubric and guidance to
7 support the rating process."

8 Do you see that?

9 A Yes.

10 Q Is that the guidance document that we
11 previously looked at that we said was a companion to
12 the Strategic Plan & Self-Assessment Guide?

13 A Yes.

14 Q And who specifically provided -- well, you
15 said that guidance was for use by GNETS directors;
16 is that correct?

17 A Yes.

18 Q Who provided that rubric and guidance to
19 the GNETS directors?

20 A That would have been Nakeba.

21 Q In this review process where it references
22 the teams preparing for an on-site review from the
23 GNETS state director, that GNETS state director was
24 Nakeba Rahming?

25 A Yes.

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1 Q Moving down to the next section of this
2 document that's entitled "Scoring Guide," do you see
3 that?

4 A Yes.

5 Q It provides a definition of reported
6 self-ratings. Those self-ratings are modest,
7 elevated, and acceptable?

8 A Yes.

9 Q And in here it describes what each of
10 those ratings means, right?

11 A Yes.

12 Q So, for example, if the scoring guide
13 contains reported self-rating that says elevated, it
14 means that teams rated four or more items as
15 operational and the ratings needed to be changed due
16 to lack of change to support those ratings?

17 A It means, in the review process, and
18 Nakeba looking at the ratings, if teams rated four
19 or more items as operational and the ratings needed
20 to be changed due to the lack of evidence to support
21 those ratings, then it would be elevated.

22 Q And then moving down to where it says,
23 "Preparation."

24 A Yes.

25 Q This is a letter rating given to regional

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1 GNETS programs that's based on how prepared the team
2 at those regional GNETS program sites were with
3 providing documentation, organizing information, and
4 accessing evidence to make them available for
5 review?

6 A Yes.

7 Q And when it says to make them available
8 for review, that's reviewed by Ms. Rahming?

9 A Yes.

10 Q Then Success Rate is just basically almost
11 like a score on a test, how close you got to the
12 total maximum number of points you could have
13 gotten?

14 A Yes.

15 Q Turning to the very last page, am I right
16 that this chart reflects the actual final strategic
17 plan ratings for that baseline FY17 year?

18 A Yes.

19 Q And so in this chart it identifies each of
20 the regional GNETS programs, and then says what
21 their self-rating was, what the preparation letter
22 score was, and then what their success rate was?

23 A Yes.

24 Q I believe you said earlier that in
25 subsequent years of the Strategic Plan &

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1 Self-Assessment Guide that ratings of the regional
2 GNETS programs would be compared to this baseline
3 here; is that right?

4 A Yes. That was the intent.

5 MS. GARDNER: I'm going hand you what I
6 would like to have marked as Plaintiff's
7 Exhibit 82.

8 (WHEREUPON, Plaintiff's Exhibit-82 was
9 marked for identification.)

10 BY MS. GARDNER:

11 Q You have been handed what is marked as
12 Plaintiff's Exhibit 82.

13 Do you recognize this document?

14 (Witness reviews exhibit.)

15 A Yes, I do.

16 Q And what is this?

17 A This is the Georgia Network for Education
18 and Therapeutic Support, GNETS, State Board of
19 Education Rule.

20 Q And am I correct that if you look on Page
21 8 of this document, that rule was adopted on
22 June 15, 2017?

23 A That is correct.

24 Q And it took effect on July 5th, 2017?

25 A That is correct.

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1 Q When you mentioned earlier that one of the
2 areas you performed work related to GNETS was the
3 GNETS rulemaking process, was that work leading to
4 this revised state GNETS rule?

5 A Yes.

6 Q You also discussed earlier work on
7 guidance related to GNETS, right?

8 A Yes.

9 Q To your knowledge, was there ever any
10 written implementation guidance related to the 2017
11 GNETS rule issued to regional GNETS programs or
12 GNETS directors?

13 A I don't recall specifically, but I recall
14 working on what we would have called the GNETS
15 manual, updating that manual, which would have been
16 the guidance related to the approval of the -- the
17 passing of this rule.

18 Q So you worked on something called the
19 GNETS manual?

20 A I would have reviewed what was -- I would
21 have reviewed whoever was working on that document.
22 So yes.

23 Q And who would have been working on that
24 document?

25 A Nakeba would have been working on it. She

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1 most likely would have received some support from
2 the Policy Division, and then I would have provided
3 her guidance and support as well.

4 Q Who in the Policy Division would she have
5 received support from?

6 A I don't know specifically who the -- I
7 don't remember who the policy director was at that
8 time, but the person who would have been the deputy
9 for policy would have been Garry -- Dr. Garry
10 McGiboney.

11 MS. GARDNER: I'm going to ask the court
12 reporter to please mark this as Plaintiff's
13 Exhibit 82 -- 83. Sorry.

14 (WHEREUPON, Plaintiff's Exhibit-83 was
15 marked for identification.)

16 BY MS. GARDNER:

17 Q You have Plaintiff's Exhibit 83, and this
18 is an email from you to Nakeba Rahming. The subject
19 is "First Draft of Guidance."

20 This email is Bates-stamped GA00152602,
21 and it contains an attachment, the title of which is
22 "160-4-7-.15 NEW."

23 Is this an email that you sent to Ms.
24 Rahming?

25 A Yes.

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1 Q And in this email you attach what you
2 term, quote, "The first draft GNETS rule guidance"?

3 A Yes.

4 Q And you ask Ms. Rahming to review and let
5 you know her thoughts?

6 A Yes.

7 Q Turning to the attachment, the first page
8 which is Bates-stamped GA 152603, is this
9 implementation guidance what you were referring to
10 as a GNETS manual, or is this something different?

11 A This would have been -- let me read it and
12 make sure.

13 (Witness reviews exhibit.)

14 A This guidance and the manual that I was
15 referring to in my mind would have been the same.

16 Q Okay. So this is the implementation
17 guidance that you were referring to earlier?

18 A Yes.

19 Q Okay. Did you draft this document?

20 A Yes, I believe I did.

21 Q And how was it that you came to draft
22 implementation guidance? Was that at the request of
23 someone?

24 A I was the deputy for policy for a number
25 of years. One of the activities that we typically

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1 did, and I led that activity, was to develop
2 guidance.

3 So I would work with the program
4 specialist, for example, in this case, Nakeba. I
5 would give -- provide an outline of what should be
6 included in the implementation guidance, and I would
7 have relied on their expertise to fill in the parts
8 that I did not have expertise.

9 I had expertise in the process, what
10 should be included, what the outline should look
11 like. I would have relied on program staff to fill
12 in the content knowledge.

13 Q And so does this document reflect that in
14 that there are portions of this document that you
15 drafted and filled out, and then as you note in your
16 cover email to Ms. Rahming, you've left some areas
17 highlighted in red for her expertise?

18 A Yes.

19 Q Was this implementation guidance reviewed
20 by anyone other than you?

21 A I don't know.

22 Q Did you submit implementation guidance for
23 review by someone other than Ms. Rahming?

24 A Did I submit -- repeat your question.

25 Q I'm trying to understand if there was a

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1 review process for implementation guidance before it
2 would have been finalized. And so I understand that
3 you were involved in drafting this, so I'm asking
4 whether you reported to anyone or submitted your
5 drafting for review by anyone else, or were you the
6 person in charge of reviewing implementation
7 guidance?

8 A I was not the person in reviewing
9 implementation guidance. I would have provided
10 this, this outline. Nakeba would have completed the
11 content part. She of course would have received
12 input from the policy and from -- from the Policy
13 Division, as well as from the Division of Special
14 Ed. Special Ed Division.

15 She may have received input from GNETS but
16 I can't verify that.

17 Q Was this implementation guidance ever
18 finalized?

19 A I cannot remember for certain.

20 Q Turning to Page 3 of this document, of the
21 attachment, the implementation guidance, at the
22 beginning of the very last paragraph, it says: "The
23 Implementation Guidance is intended to provide
24 tools, resources, and best practices for LEAs,
25 GNETS, and Fiscal Agents to aid in implementing

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1 State Board of Education (SBOE) Rule 160-4-7-.15."

2 Do you see that?

3 A Yes.

4 Q Was that your understanding of the purpose
5 of this implementation guidance?

6 A Yes.

7 Q But you don't recall whether the guidance
8 was ever issued, right?

9 A I don't recall.

10 Q Turning to Page 4, under the section
11 that's headed "Guiding Practice," if you look at the
12 second full paragraph there, it starts with: "Staff
13 must be qualified to meet the needs of a unique
14 population of students..."

15 Do you see that?

16 A Yes.

17 Q There is a discussion here about staff
18 being qualified and needing to be certified and
19 licensed professionals to ensure that students'
20 needs are met on an ongoing basis. Is that correct?

21 A Yes.

22 Q And then you say here, quote: "While
23 GNETS and LEAs may hire staff to provide
24 supplemental or interim services to support students
25 and their families, certified and licensed

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1 professionals must be...for example,..." and then
2 you write "trying to get at the social worker
3 technician here."

4 Do you see that?

5 A Yes.

6 Q What did you mean by trying to get at the
7 social worker technician here?

8 A I was trying to provide a note for Nakeba
9 that we needed to explain why certified and licensed
10 professionals must be provided.

11 Q And you believe that certified and
12 licensed professionals must be provided in the GNETS
13 programs?

14 MS. HERNANDEZ: Objection.

15 You can answer.

16 A According to what was in the rule and my
17 understanding of the services that were to be
18 provided by GNETS, yes.

19 Q Okay. So when you say trying to get at
20 the social worker technician here, what, what were
21 social worker technicians?

22 A I don't remember clearly, but based on my
23 recollection, my thinking would have been that a
24 social worker technician is not a social worker. A
25 social worker is a licensed professional.

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1 A social worker technician would not be a
2 licensed professional, though they may have some of
3 the skills, but based on my best recollection, in
4 this particular instance the reason this is here --
5 I put it here -- is because that person did not hold
6 a -- a state license to be a social worker.

7 Q Did you understand some regional GNETS
8 programs to be using social worker technicians at
9 this time?

10 A I don't remember why I put it here, but
11 something would have caused a trigger for me to
12 highlight this, and I could have been asked a
13 question. I don't really understand, like something
14 specific, but I do understand why I put it here, and
15 the reason is so that I can get Nakeba to highlight
16 the difference between a technician and someone who
17 is licensed or certified.

18 Q Moving down to the latter part of that
19 paragraph, it says, "The Georgia Department of
20 Education may require staff serving students at
21 GNETS to have additional specialized training,
22 including trauma informed care, formative behavior
23 assessment, behavior intervention plan. Life Space
24 Intervention strategies, evidenced-based restraint
25 methods, and other social and emotional screening

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1 and diagnostic tools."

2 Do you see that?

3 A Yes.

4 Q Did the Georgia Department of Education
5 ultimately require staff serving students at GNETS
6 to have such additional specialized training?

7 A I can specifically say trauma informed
8 care, formative behavioral -- behavior assessment,
9 behavior intervention plan were required -- were
10 required GNETS training.

11 Q Turning to Page 6, under the first Guiding
12 Practice section, in the second paragraph of that
13 section, there's a discussion here of using data to
14 conduct comprehensive reevaluation.

15 Do you see that?

16 (Witness reviews exhibit.)

17 A GNETS and LEAs must use data from a
18 variety of sources?

19 Q Uh-hum. (Affirmative.)

20 A Is that what -- yes.

21 Q And you go on to write here: "Ideally
22 GNETS and LEAs advocate for students to return to
23 the general education setting as quickly as
24 possible"?

25 A Yes.

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1 Q Does that accurately reflect your view at
2 the time?

3 A Yes.

4 MS. GARDNER: This will be Plaintiff's
5 Exhibit 84.

6 (WHEREUPON, Plaintiff's Exhibit-84 was
7 marked for identification.)

8 BY MS. GARDNER:

9 Q You have received Plaintiff's Exhibit 84.
10 This is an email from you to Nakeba Rahming, sent
11 August 29th, 2017. The subject is "Re: Please
12 Review."

13 The cover email is Bates-stamped
14 GA00481679.

15 This is an email that you sent to Ms.
16 Rahming?

17 A Yes.

18 Q And you say: "My draft responses are
19 attached. Please review and let me know how you
20 want to proceed"?

21 A Yes.

22 Q Correct that this email you send to Ms.
23 Rahming follows her forwarding to you of feedback on
24 the guidance document that was provided by Stacey
25 Benson?

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1 A Yes.

2 Q And there are two documents that you
3 attach in your email to Ms. Rahming, correct?

4 A That is correct.

5 Q The first attachment is another draft
6 implementation guidance, right?

7 A Yes.

8 Q And then the second document is a document
9 that has a caption "GNETS Rule Guidance Feedback"?

10 A Yes.

11 Q Am I correct this is a later draft of the
12 rule implementation guidance that we just looked at?

13 A Ask me that again.

14 Q I'm asking if Plaintiff's Exhibit 84 is a
15 later draft of the --

16 A Oh, okay.

17 Q -- rule implementation guidance than the
18 one we looked at in Plaintiff's Exhibit 83?

19 A Yes.

20 Q If you turn to Page 5 of the
21 implementation rule guidance?

22 A Yes.

23 Q I just want to be sure I understand. Do
24 you see there's two places where there's text in the
25 document that's lighter than the rest of the text?

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1 A Yes.

2 Q Is this the, the feedback provided by
3 Stacey Benson and then your response to that
4 feedback?

5 A I provided responses, but I can't tell you
6 if this was -- I don't remember if this is exactly
7 my responses, but I did provide responses.

8 Q Is it your understanding that both you and
9 Ms. Benson have commentary that's embedded in this
10 document?

11 A Yes.

12 Q And this draft of the rule implementation
13 guidance adds additional language about the GNETS
14 strategic plan and GNETS monitoring and annual
15 reviews that was not included in the earlier draft
16 that we looked at, right?

17 I can direct you to Page 7.

18 A Yes.

19 Q Turning to the second attachment, what is
20 this document?

21 A It appears to be feedback from someone.
22 I'm not sure.

23 Q Okay. You don't know where the feedback
24 came from?

25 A I'm not sure. I don't remember where it

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1 came from.

2 Q Do you have responses embedded in this
3 document as well?

4 A I don't remember if I did, but it is
5 possible.

6 Q And here there are -- this document was
7 not provided in color, but does it appear to you
8 that there are sort of different color text that
9 show up at different levels of black and gray in
10 this document?

11 A Yes.

12 Q Am I also correct that if you look at the
13 bullet points in this document, the text that is in
14 dark, sort of appearing initially in each bullet
15 point, is followed by lighter text that appears to
16 respond to whatever is raised in that initial bullet
17 point?

18 A Yes.

19 MS. GARDNER: I'm going to ask the court
20 reporter to please mark this as Plaintiff's
21 Exhibit 85.

22 (WHEREUPON, Plaintiff's Exhibit-85 was
23 marked for identification.)

24 BY MS. GARDNER:

25 Q You have what's been marked as Plaintiff's

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1 Exhibit 85. This is an email message from Vickie
2 Cleveland to Nakeba Rahming, Zelfhine Smith-Dixon,
3 Kachelle White, and you with the subject line "Final
4 Copy of LEA Presentation."

5 Is that right?

6 A Yes.

7 Q This document has a Bates stamp
8 GA00199183, and in this email Ms. Cleveland attaches
9 a PowerPoint presentation entitled, "FY18 Winter LEA
10 Collaborative PPT Final"?

11 A Yes.

12 Q She says to you in the others that she's
13 writing to: "See attached final copy of the
14 presentation tomorrow."

15 A Yes.

16 Q We are going to show that presentation
17 electronically. The placeholder for the
18 presentation, which was produced in native, is
19 Bates-stamped GA00199184.

20 This is the attachment that Ms. Cleveland
21 forwards to you and others. Does that look accurate
22 to you?

23 A Yes.

24 Q What is the LEA collaborative meeting?

25 A The LEA collaborative meeting was a group

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1 of school districts, GNETS and State Board of
2 Education -- Georgia Department of Education staff,
3 and they had regional meetings.

4 Q Did you participate in creating this
5 document?

6 A What do you mean by participate?

7 Q Did you draft any portion of the
8 presentation? We can start there.

9 A I don't recall if I drafted any components
10 of this presentation, but I would have provided
11 feedback.

12 Q So you would have reviewed and provided
13 feedback?

14 A Yes.

15 Q I'm just going to move through.

16 This is the third slide of the
17 presentation, and it says at the top "Why are we
18 here?"

19 Was this presentation a vehicle for
20 providing guidance regarding the GNETS rule?

21 A This presentation was to provide the rule
22 and provide technical assistance to the people
23 attending -- the local staff and GNETS persons
24 attending the collaborative, so that they would
25 understand clearly the requirements of the rule.

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1 Q And who would have attended an LEA
2 collaborative meeting like this?

3 A Most likely it would have been the special
4 education director from an LEA. It could have been
5 another identified person, but that person would
6 have been representing the Special Education
7 Department at the LEA.

8 Q Would there have been any GNETS directors
9 in attendance at a meeting like this?

10 A Yes.

11 Q Anyone else, apart from Special Education
12 directors and GNETS directors?

13 A It is possible that staff from some RESAs
14 may have been there, as well as fiscal agents.

15 Q And so just moving through here, I'm going
16 to scroll a little bit that you can kind of see.

17 This presentation is segmented to provide
18 guidance that's specific to the state education
19 agency, the local education agency there is a
20 section on, and then also the GNETS roles and
21 responsibilities. Correct?

22 A Yes.

23 Q I have a couple of questions for you.
24 There is a portion of the presentation called
25 "Consideration of Services." This is the beginning

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1 of that section.

2 And then do you see here it says,
3 "Consistency for Consideration of Services
4 Document"?

5 A Yes, I see it.

6 Q And there is a reference here that says:
7 "Some programs to pilot beginning in January of this
8 year."

9 What was that pilot?

10 A I don't recall.

11 Q Have you seen this document here before?

12 A I definitely would have seen this document
13 at the collaborative meeting.

14 Q Do you know who created this document?

15 A I believe it was someone working at one of
16 the GNETS.

17 Q What about this document, have you seen
18 this document before?

19 A I would have seen this document at the
20 collaborative.

21 Q Do you know who created this document?

22 A I don't know who created it.

23 Q Were you present for -- you were present
24 for this meeting of the LEA collaborative?

25 A Yes, I believe I was.

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1 Q And where did that meeting take place?

2 A I am not sure, but if I can go back to the
3 beginning of the presentation, it should be there.

4 It's not there. I'm not sure where it was
5 held.

6 Q I'm going to turn to talk just a bit about
7 the work that you were involved in with the facility
8 aspect of your work related to GNETS.

9 Sort of in a -- at a high level, can you
10 just tell me about what it was that you were
11 involved in, what you were working towards, what the
12 goals of that facility work were?

13 A Yes. My understanding was there was an --
14 a capital outlay appropriation for GNETS facilities.
15 The funding was available for repairs and/or
16 improvement at GNETS facilities.

17 Because of the amount of funding that was
18 available, we had -- it was required by the State of
19 Georgia to put the repairs out for bid. And so my
20 main role was to make sure that we followed the
21 Department of Education's guidelines for working
22 with the Department of Administrative Services of
23 the State of Georgia to follow those guidelines by
24 the letter to have a company to review the GNETS
25 facilities and make recommendations on improvements.

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1 Q And who did you primarily work with on the
2 facilities project?

3 A Mike Rowland.

4 MS. GARDNER: I'm going to ask the court
5 reporter to please mark this as Plaintiff's
6 Exhibit 86.

7 (WHEREUPON, Plaintiff's Exhibit-86 was
8 marked for identification.)

9 BY MS. GARDNER:

10 Q Ms. Keith Brown, you have been handed what
11 is marked as Plaintiff's Exhibit 86.

12 Is this an email from Michael Rowland to
13 Ted Beck with a copy to you, Deborah Gay, Emily
14 Jones, Gregory Snapp, and John Jefferson? The
15 subject is "GNETS Update."

16 And this cover email is Bates-stamped
17 GA00196569?

18 A Yes.

19 Q Who is Ted Beck?

20 A Ted Beck was the -- I think he was Mike
21 Rowland's supervisor. I can't remember his exact
22 title, but I think he was Mike Rowland's supervisor.

23 Q Okay. And in this email from Michael
24 Rowland that you are copied on, Mr. Rowland is
25 providing a quick update to Mr. Beck on the planning

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1 done for GNETS facilities, right?

2 A Correct.

3 Q Mr. Rowland says in his email that he is
4 attaching meeting minutes from a meeting with John
5 Jefferson at GSFIC, "along with a facility condition
6 assessment checklist we adopted from another school
7 system"?

8 A Yes.

9 Q What is GSFIC?

10 A It has something to do with finance, but I
11 don't know the acronym for each letter.

12 Q Okay. In the next paragraph Mr. Rowland
13 says: "We are currently in the exercise of
14 narrowing the list of facilities that will be
15 visited by our consultants."

16 This reference to consultants here, is
17 this a reference to consultants within the Georgia
18 Department of Education or outside of the Georgia
19 Department of Education?

20 A Georgia Department of Education employees,
21 but not located at the Georgia Department of
22 Education.

23 Q So they're field employees; is that fair?

24 A Field consultants is what they would have
25 been.

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1 Q Field consultants, okay.

2 And then if you look in the third
3 paragraph, the very last sentence, it says: "GSFIC
4 is working on the RFQ for a design professional that
5 will use the information we collect from the kilt to
6 answer along with their own site evaluations."

7 Do you see that?

8 A Yes.

9 Q So I want to just understand, it sounds
10 like there were a number of GNETS facilities that
11 were going to be visited by Georgia Department of
12 Education field consultants as part of this
13 facilities process?

14 A Yes.

15 Q And then it sounds like there was also a
16 second step that once the Georgia Department of
17 Education field consultants visited those facilities
18 that there would separately be design professionals
19 who would come behind and do their own site
20 evaluations?

21 A Correct.

22 Q Turning to the first attachment, which is
23 a Microsoft Word document titled, "Planning Meeting
24 Minutes, 11.3.15."

25 It begins with Bates No. GA00196570.

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1 These are the meeting minutes that Mr.
2 Rowland references from the meeting with John
3 Jefferson at GFSIC?

4 A Yes.

5 Q And these minutes in some ways outline the
6 things that needed to be done and the anticipated
7 timeline on which they would be done as part of the
8 GNETS facility project?

9 A Yes.

10 Q Turning to the second attachment, which
11 begins with GA00196572, this is the Facility
12 Condition Assessment Checklist that Mr. Rowland
13 references in his cover email? Is that what this
14 is?

15 A Yes.

16 Q Okay. Was this Facility Condition
17 Assessment Checklist used by the Georgia Department
18 of Education facility consultants when visiting
19 GNETS facilities as part of a facility project?

20 A To the best of my knowledge, yes.

21 Q And would this checklist have been
22 completed by those field consultants for each
23 facility that they visited?

24 A Yes.

25 MS. GARDNER: This is going to be

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1 Plaintiff's Exhibit 87.

2 (WHEREUPON, Plaintiff's Exhibit-87 was
3 marked for identification.)

4 BY MS. GARDNER:

5 Q You have been handed Plaintiff's Exhibit
6 87. This is an email from Michael Rowland to you,
7 Stacey Suber-Drake, Pat Schofill, with a copy to
8 Nakeba Rahming and Sarah Morris.

9 The subject is "RE: GNETS Grant FOGA"?

10 A Yes.

11 Q And the Bates-stamp on this email is
12 GA01488847.

13 This is an email from Mr. Rowland
14 forwarding a final version of the GNETS Facilities
15 Grants Application?

16 A Yes.

17 Q And if you would turn to the attachment,
18 which begins with the Bates-stamp GA01488851, is
19 this that application?

20 A Is GA01488849 the application? Is that
21 what you asked me?

22 Q No. I was saying that the Bates-stamp of
23 the attachment should be GA01488851, and I was
24 asking if this is the GNETS Facilities Grant
25 Application, the final version of that application?

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1 A It appears to be the final version, yes.

2 Q Did you assist in drafting this
3 application?

4 A Yes.

5 Q And what was your role in that drafting
6 process?

7 A I would have helped to describe how
8 applications were being -- were to be submitted, to
9 whom the applications were to be submitted.

10 I would have provided feedback on the
11 application review process and the application
12 scoring process.

13 I would have had -- I would have had some
14 input in the application glossary.

15 I would have drafted the application
16 submittal checklist.

17 And I would have put together the
18 applicant identification form.

19 Q Okay. If I could direct your attention to
20 Page 3.

21 A Yes.

22 Q Under Application Review, it says: "Each
23 application will be reviewed by a team of GaDOE
24 Facilities and GNETS staff."

25 Do you see that?

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1 A Yes.

2 Q Who was on the application review team
3 from the GaDOE facility staff?

4 A I don't know.

5 Q Okay.

6 A I don't remember.

7 Q Who was on the application review team
8 from the GNETS staff?

9 A I don't remember.

10 Q Were you a part of the application review
11 team?

12 A I would not have -- I don't remember if I
13 actually was a part of a team or not. I don't
14 remember that.

15 Q Just moving up own this page, at the top
16 of the page it says: "By signing and submitting the
17 application, the Applicant agrees to the following,"
18 and then there is a bulleted list.

19 Do you see that?

20 A Yes.

21 Q So those submitting an application in
22 connection with this facilities grant process
23 committed to do all the things listed in this
24 enumerated -- or sort of this bulleted list?

25 A Yes.

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1 Q Am I reading that correctly?

2 And one of those commitments was to sign
3 and return the letter of assurance? Do you see that
4 in the second bullet point?

5 A Yes.

6 Q What was the letter of assurance?

7 A There should have been a letter of
8 assurance attached to the application assuring that
9 certain conditions would have been met -- would have
10 been met.

11 MS. GARDNER: I have handed the court
12 reporter a document I'm going to be asked to be
13 marked as Plaintiff's Exhibit 88.

14 (WHEREUPON, Plaintiff's Exhibit-88 was
15 marked for identification.)

16 BY MS. GARDNER:

17 Q You have been handed what's marked as
18 Plaintiff's Exhibit 88. This is an email from
19 Michael Rowland sent on March 30th, 2017. The
20 subject of the email is "GNETS Facilities Letter of
21 Assurance."

22 The front page of this email is
23 Bates-stamped GA00198597.

24 You are copied on this email; is that
25 right? In the cc: line, just after Pat Schofill?

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1 The cc: line begins way down.

2 A Yes.

3 Q Okay. And does it appear to you from you
4 this email that this email was also sent to various
5 email addresses for RESAs and school districts and
6 others at the top of the To line?

7 A Yes.

8 Q And Mr. Rowland directs his language in
9 the email to GNETS fiscal agents and facilities
10 owners?

11 A Yes.

12 Q There is a document attached to this
13 email. Would you take a look at that document?

14 The beginning Bates number is GA00198599.

15 Is this the letter of assurance that was
16 referenced in the GNETS facilities grant application
17 that we just reviewed?

18 A Yes.

19 (Discussion ensued off the record.)

20 MS. GARDNER: I'd like to have this marked
21 as Plaintiff's Exhibit 89.

22 (WHEREUPON, Plaintiff's Exhibit-89 was
23 marked for identification.)

24 BY MS. GARDNER:

25 Q You've been handed what's marked as

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1 Plaintiff's Exhibit 89, and this is an email from
2 Michael Rowland to you. The subject is "RE: GNETS
3 Facilities Reviews."

4 The Bates-stamp on this first page of the
5 email is GA00196895.

6 If you look at the bottom portion of this
7 front page, you write to Michael Rowland and in the
8 context of your email you say: "Do you have a list
9 of all the facilities/sites that were visited and
10 how soon do you think I need to get a draft of the
11 assurances application?"

12 Do you see that?

13 A Yes.

14 Q So Mr. Rowland is responding to your
15 email, and he says to you in his February 17th, 2016
16 email: The first spreadsheet is the list of sites.
17 "The second is the list of those not visited and
18 why."

19 Do you see that?

20 A Yes.

21 Q And so in this email he's attaching for
22 you a list of the facilities and sites that were
23 visited, and then those that were not?

24 A Yes.

25 Q And when he says "visited," am I correct

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1 in understanding that these would be the sites that
2 were visited by the Georgia Department of Education
3 field consultants?

4 A Yes.

5 MS. HERNANDEZ: Objection.

6 You can answer.

7 Q Turn to the first attachment. It appears
8 behind the placeholder Bates-stamped at GA00196897.

9 This is the list of the facilities and
10 sites that were visited, correct?

11 MS. HERNANDEZ: Objection.

12 You can answer. You can answer unless I
13 tell you not to answer.

14 A I'm assuming that it is based on what the
15 email said.

16 Q And the email says that the first
17 spreadsheet is the list of sites?

18 A Correct.

19 Q This is in response to your request for a
20 list of facilities and sites that were visited?

21 A Correct.

22 Q And then the second attachment is the list
23 of those sites and facilities not visited and why;
24 is that correct?

25 A Yes.

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1 Q There are four facilities listed on that
2 attachment?

3 Are there four facilities listed on that
4 attachment?

5 A Yes.

6 Q And that attachment, just for the record,
7 appears the placeholder with the Bates-stamp
8 GA00196898.

9 MS. HERNANDEZ: Is that the page I'm
10 missing? I just want to make sure.

11 MS. GARDNER: Yeah. This will be
12 Plaintiff's Exhibit 90.

13 (WHEREUPON, Plaintiff's Exhibit-90 was
14 marked for identification.)

15 BY MS. GARDNER:

16 Q You are being handed what's marked as
17 Plaintiff's Exhibit 90. This is an email from
18 Nakeba Rahming to you. The subject is "try it."

19 The email was sent on July 11, 2016, and
20 is Bates-stamped GA00197241.

21 This is an email that Ms. Rahming sent to
22 you attaching a document titled, "GNETS Exit
23 Strategy Plan - for Priority sites."

24 Is that correct?

25 A Yes.

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1 Q And if you turn to the page beginning with
2 Bates Stamp GA00197242, is this that attached
3 document that's a GNETS exit strategy plan?

4 A Yes.

5 Q If you look on the first page of that
6 strategy plan, the third bulleted point down, in the
7 second sentence in that paragraph, it says: "Nine
8 sites that were identified by GaDOE's initial
9 assessment were prioritized for validation and a
10 more in-depth condition assessment by the
11 contractor."

12 Do you see that?

13 A Yes.

14 Q And then if you turn to Page 2, the third
15 bullet point down, "What will be the message and how
16 will it be delivered?"

17 Am I correct this bullet point references
18 a final assessment of priority sites that yielded
19 nine priority sites that GaDOE has concluded can no
20 longer provide instructional and therapeutic
21 services in the current sites?

22 A Yes.

23 Q So is it fair to say that after the
24 facilities reviews of GNETS facilities were
25 conducted, that there were nine sites where the

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1 Georgia Department of Education concluded that those
2 sites could not continue serving GNETS students?

3 MS. HERNANDEZ: Objection.

4 A Yes.

5 Q And to be clear, when I say cannot
6 continue serving GNETS students, could not continue
7 serving GNETS students in the facilities that they
8 -- in those nine facilities?

9 A The final assessment of priority sites
10 yielded nine propriety sites that GaDOE has
11 concluded can no longer provide instructional and
12 therapeutic sites in the current site.

13 Q And immediately beneath that, it says:
14 "Therefore, GaDOE will issue a mandatory exit plan
15 for all students referring services in any of the
16 nine priority sites." Right?

17 A Yes.

18 Q And what did that mean, that the Georgia
19 Department of Education would issue a mandatory exit
20 plan for all students receiving services in any of
21 those nine sites?

22 A It meant that the GaDOE would issue a --
23 that the GNETS site create an exit strategy and
24 submit that exit strategy.

25 Q So basically the Georgia Department of

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1 Education was requiring that students be moved out
2 of those nine facilities into some other facility?

3 A They were requiring that that facility --
4 those nine facilities could no longer provide
5 services at those facilities.

6 Q Right. And so would that necessitate
7 moving students from those facilities to somewhere
8 -- to somewhere else?

9 MS. HERNANDEZ: Objection.

10 A If there were students there, it would
11 mean that the exit strategy would have to have a
12 component where a discussion about the students' IEP
13 and where services for that student would be
14 provided.

15 Q And this document was the strategy for
16 supporting -- and on the first page it says:
17 "Supporting schools, LEAs and GNETS when the
18 leadership team at GaDOE determines that the
19 facility should no longer be considered a site to
20 support the instructional and therapeutic needs of
21 students." That's what this document was?

22 A Yes.

23 MS. GARDNER: Can we take a break, short
24 one.

25 THE VIDEOGRAPHER: Off the record at 5:27

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1 p.m.

2 (A recess was taken.)

3 THE VIDEOGRAPHER: We're back on the
4 record at 5:40 p.m.

5 BY MS. GARDNER:

6 Q Ms. Keith Brown, we have been talking
7 about the GNETS facility review process.

8 MS. GARDNER: And I would like to have the
9 court reporter mark this document as
10 Plaintiff's Exhibit 91.

11 (WHEREUPON, Plaintiff's Exhibit-91 was
12 marked for identification.)

13 BY MS. GARDNER:

14 Q The court reporter has handed you
15 Plaintiff's Exhibit 91. This is an email from
16 Stacey Suber-Drake to Nakeba Rahming and you, sent
17 on July 25th, 2016.

18 The subject line is "Forward: Scanned
19 from a Xerox Multifunction Printer."

20 The Bates-stamp on the cover of this email
21 is GA01486054.

22 You received this email from Stacey
23 Suber-Drake?

24 A Yes.

25 Q And this email contains an attachment that

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1 does is a PDF titled "Burwell Program."

2 Do you see that?

3 A Yes.

4 Q What is the document that's attached to
5 this email?

6 A I don't understand your question.

7 Q What is the document that Stacey
8 Suber-Drake was forwarding to you in this email?

9 A It is a document on Georgia State Board of
10 Education letterhead, sent to Dr. Pope.

11 Q And Dr. Pope is the chair of the
12 Carrollton Board of Education?

13 A Correct.

14 Q This letter is sent by Michael P. Royal,
15 who is the chairman of the State Board of Education?

16 A Yes.

17 Q And in this letter Mr. Royal says, in the
18 first paragraph, about halfway down: "423 Alabama
19 Street, Carrollton, GA 30117-3002, has been
20 identified as a facility where children cannot
21 continue to be served. Therefore, students
22 referring services at this facility must immediately
23 be transitioned out of this site before the
24 beginning of the school year."

25 Is that an accurate reading?

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1 A Yes.

2 Q So this is a letter from the State Board
3 of Education notifying the Carrollton Board of
4 Education they have one of the nine facilities that
5 we discussed that students were required to be moved
6 out of?

7 A Yes.

8 Q Did other letters like this go out
9 regarding the other nine facilities that GNETS
10 students were required to be moved out of?

11 A I believe that is accurate.

12 Q And was the language in those letters
13 substantially the same as the language appearing
14 here, with the exception of those parts that
15 reference the specific address of the facility,
16 addressee, that sort of thing?

17 A I would assume the language would be the
18 same, yes.

19 MS. GARDNER: I'm going to ask this be
20 marked as Plaintiff's Exhibit 92.

21 (WHEREUPON, Exhibit-92 was marked for
22 identification.)

23 BY MS. GARDNER:

24 Q The court reporter has handed you what is
25 marked as Plaintiff's Exhibit 92.

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1 This is an email from Nakeba Rahming to
2 Matt Jones, Matt Cardoza, Stacey Suber-Drake, you,
3 and Deborah Gay.

4 The subject is "Updates on the nine
5 facilities."

6 And the Bates number of this email is GA
7 01486137.

8 This is an email that you received from
9 Ms. Rahming?

10 A Yes.

11 Q And in this email she attaches a PDF
12 titled, "Nine Priority GNETS Update." Is that
13 right?

14 A Yes.

15 Q And she says that, quote: "This will also
16 be posted on the one drive"?

17 A Yes.

18 Q Referring to the attachment to this email?

19 A Yes.

20 Q And am I correct in understanding that
21 this attachment, which is Bates-stamped GA01486138,
22 provides a status update on where the nine
23 facilities that have been required to move GNETS
24 students out of those facilities, where they are in
25 terms of exiting those facilities?

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1 A Yes.

2 Q So for some of the facilities it says that
3 they have already moved; is that right?

4 A Yes.

5 Q And then others might have some interim
6 status that says packing or pending?

7 A Yes.

8 Q We've looked at a lot of documents today,
9 many of which are documents between you and Nakeba
10 Rahming, right?

11 A Yes.

12 Q And is it fair to say you all worked very
13 closely together while you were director at DBHDD?

14 A Yes.

15 Q Did Ms. Rahming report to you?

16 A No.

17 Q Who did she report to?

18 A Initially, Debbie Gay.

19 Q And when you say initially she reported to
20 Debbie Gay, was there a period of time where she
21 begin to report to someone other than Debbie Gay?

22 A Yes. She reported to Matt Jones.

23 Q And why was there that change in reporting
24 structure?

25 MS. HERNANDEZ: Objection.

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1 Q If you know.

2 MS. HERNANDEZ: You can answer.

3 A I believe she -- she was promoted.

4 Q And that promotion, I know we reviewed an
5 email from what appeared to be her assistant
6 earlier. Was that a promotion to the Federal
7 Programs area of the Georgia Department of
8 Education?

9 MS. HERNANDEZ: Objection.

10 A I'm not exactly sure. So I don't know.

11 Q But she received a promotion and in
12 connection with that promotion she stopped reporting
13 to Debbie Gay and began reporting to Matt Jones?

14 A Yes.

15 Q Were you involved at all in assessing in
16 any way Ms. Rahming's performance as the education
17 program specialist for the GNETS program?

18 A I provided examples of -- she had a
19 performance management plan. I provided examples
20 where I could of those items on the performance
21 management plan.

22 Q So you provided input in the way of
23 examples related to her performance management plan,
24 and those then would have been taken by someone else
25 to assess her performance?

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1 A Yes.

2 Q And who would have been the person to
3 assess her performance?

4 A I'm not really sure. I would have
5 provided data to Debbie Gay and Matt Jones.

6 Q Did -- you kind of were a key
7 decision-maker in the decision to hire for the
8 position that Ms. Rahming ultimately accepted at the
9 Georgia Department of Education; is that fair?

10 A Yes.

11 Q Were Ms. Rahming's duties in that position
12 exclusively related to the GNETS program?

13 A Yes.

14 Q During the time that you worked with Ms.
15 Rahming, did you have any concerns about her
16 performance?

17 A No.

18 MS. HERNANDEZ: Objection.

19 Q You can answer.

20 A No.

21 Q Do you still keep in touch with Ms.
22 Rahming?

23 A Occasionally, yes.

24 Q Where is she now?

25 A What do you mean where is he now?

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1 Q If you keep in touch with her, where is
2 she now? Is she still at the Georgia Department of
3 Education? Is she elsewhere?

4 MS. HERNANDEZ: Objection.

5 A I know where she lives. I'm not sure
6 about her employment status.

7 Q Okay. How often, if at all, do you
8 communicate with her?

9 A Occasion --

10 MS. HERNANDEZ: Objection.

11 You can answer.

12 A Occasionally.

13 Q When was the last time you communicated
14 with her?

15 MS. HERNANDEZ: Objection.

16 You can answer.

17 A I sent her an email this morning to say
18 happy birthday.

19 Q Do you typically communicate with her by
20 email?

21 A I'm sorry. By text. I apologize.
22 I sent it by text.

23 Q And did you get a response from her?

24 A No.

25 Q At the time that you resigned your

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1 position as the director at DBHDD, what was your
2 opinion of the strengths of the GNETS program?

3 MS. HERNANDEZ: Objection.

4 You can answer.

5 A I did not do an assessment of the GNETS
6 program, so I did not determine their strengths or
7 their weaknesses. My role was to determine if the
8 -- to determine and make recommendations if the
9 Georgia Department of Education had the State Board
10 rule and guidance and personnel in place to ensure
11 that the GNETS were following or implementing the
12 State Board rule. And in accordance with the
13 guidance.

14 I did not evaluate the strengths or
15 weaknesses of the GNETS program specifically.

16 Q So you had no opinion of the strengths of
17 the GNETS program at the time that you left DBHDD?

18 MS. HERNANDEZ: Objection.

19 Q You can answer.

20 A No.

21 Q And what about opinions about the
22 weaknesses of the GNETS program, did you have any
23 opinion about that at the time you left DBHDD?

24 MS. HERNANDEZ: Objection.

25 Q You can answer.

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1 A No. I'm sorry, that is -- that's the
2 question you just asked me?

3 Q Well, the question I just asked you was
4 about strengths. Now I'm asking you about
5 weaknesses.

6 A Oh. No, I did not do an assessment of the
7 GNETS. That was not my role. My role was at the
8 State level on the things that we've talked about
9 earlier.

10 Q We talked a little bit about sort of how
11 you came to join DBHDD as a director and your
12 initial conversations with Mr. Winter.

13 Following those conversations, what was it
14 that prompted you to actually accept his invitation
15 to come back to work at DBHDD?

16 A I had experience in working with the
17 rulemaking process because I was deputy for Policy
18 and External Affairs.

19 I had extensive experience in reviewing
20 guidance and implementation documents, and either
21 developing from the beginning or reviewing what
22 already existed.

23 So I knew I could do that part.

24 I had a lot of success with pulling the
25 right people together to have discussion around

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1 whatever the issue was that we were discussing at
2 that time.

3 I felt I had been at the Department of
4 Education long enough to know a lot about different
5 agencies and I knew many of the folks in the Georgia
6 Department of Education. So I felt that I had a
7 great relationship with those people, and any help
8 that I needed I would be able to get that help.

9 I felt that I had a great working
10 relationship with the State Board of Education in
11 that they trusted my recommendations and I felt that
12 I still had the opportunity to give my
13 recommendations and without any reservation. I felt
14 that I would not have any, any pressure if someone
15 thought that my recommendations should be different.

16 So I felt very comfortable in
17 communicating with the State Board of Education and
18 communicating with staff at the Georgia Department
19 of Education.

20 I had a great working relationship, I
21 thought, with the State Superintendent of Schools.

22 And so this was a project that interested
23 me and I felt I could minimally do what I could
24 before I decided no longer to work for anyone, to
25 provide support by way of a strong State Board of

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1 Education rule and guidance and putting the right
2 people together before I left.

3 And so I thought about it and I agreed to
4 do it.

5 Q And so given all of those strengths that
6 you brought to the role, what was it that you hoped
7 to accomplish by the time that you left the role?

8 A I wanted to make sure that there was
9 someone in place who had the responsibility, as well
10 as the support, to provide the leadership for the
11 GNETS program in terms of implementing the State
12 Board rule and the implementation guidance.

13 That was my initial goal. I wanted to
14 make sure that was in place and then I felt very
15 comfortable in leaving.

16 Q Did you view having someone in place to
17 provide leadership for the GNETS program in terms of
18 implementing the State Board rule and implementation
19 guidance as being connected to the quality of the
20 GNETS program itself?

21 MS. HERNANDEZ: Objection.

22 A I felt that if the appropriate leadership
23 was in place, then that person would be able to
24 utilize whatever resources were available to, in
25 this case, to Nakeba; to assess how well the GNETS

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1 were implementing programs based on that State Board
2 of Education rule.

3 Q Just so I'm clear, at the time you left
4 DBHDD, Ms. Rahming was no longer the leader of the
5 GNETS program at the Georgia Department of
6 Education, correct?

7 A No, that's not correct.

8 Q That's not correct?

9 A She, she -- by my best recollection, she
10 had -- she was promoted but GNETS remained one of
11 her areas of responsibilities, and she hired Vickie
12 as the, I believe, program manager.

13 Q So your understanding is that at the time
14 you left DBHDD, Ms. Rahming was still involved in
15 some way with the GNETS program at the Georgia
16 Department of Education, and Vickie Cleveland had
17 also been brought on staff to work on the GNETS
18 program?

19 A Yes.

20 MS. GARDNER: I'd like to have marked as
21 Plaintiff's Exhibit 93 this document.

22 (WHEREUPON, Plaintiff's Exhibit-93 was
23 marked for identification.)

24 BY MS. GARDNER:

25 Q You've been handed what's marked as

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1 Plaintiff's Exhibit 93.

2 This is an email from you to Lollie
3 Meunier at Gwinnett.k12.ga.us. The subject is "RE:
4 Hi there."

5 The first page of this email chain is
6 Bates-stamped GA00198883.

7 Who is Lollie Meunier? I don't even know
8 if I'm saying her name correctly, but...

9 A I'm not -- based on this email, she was
10 someone who worked at the Gwinnett -- Gwinnett
11 County schools.

12 Q This is someone who you had previously
13 been acquainted with?

14 A It's possible, but I don't remember her.

15 Q At the bottom of the first page of this
16 email you sent an email to Lollie. It's dated July
17 5th, 2017, 9:05 a.m.

18 You say: "Hi, yes, I'm Clara. I retired
19 in 2015 and went back to work."

20 Do you see that?

21 A Yes.

22 Q And you and Lollie have some back and
23 forth, and in the top thread of this email chain you
24 write: "I wasn't really planning to work but I was
25 asked to help with the GNETS program."

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1 Do you see that?

2 A Yes.

3 Q And this is a reference to your request
4 from Mr. Winter?

5 A Yes.

6 Q You go on to say: "Although GNETS is a
7 GaDOE program and I have an office at GaDOE,
8 everyone thought it made more sense for my employer
9 to be DBHDD given the therapeutic needs of the
10 students in GNETS."

11 Do you see that?

12 A Yes.

13 Q When you say "everyone thought it made
14 more sense for my employer to be DBHDD given the
15 therapeutic needs of the students in GNETS," who is
16 everyone?

17 A That would have been Mr. Winter
18 specifically at the State Board of Education.

19 I don't remember who else was involved in
20 that decision. But I would, and I understood why,
21 because Mr. Winter, and I agreed with him, wanted to
22 make sure that I felt very comfortable making
23 whatever recommendations I thought I needed to make.

24 Q And how would having DBHDD as your
25 employer facilitate that?

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1 A I would actually learn about the services
2 and programs provided at DBHDD. I would learn about
3 therapeutic services, mental health services that
4 were provided by DBHDD, and I could make sure that
5 the appropriate staff at the Georgia Department of
6 Education could learn about those services and
7 programs as well.

8 Q At the time you were director at DBHDD,
9 had DBHDD ever been involved with GNETS before then?

10 A Not to my knowledge.

11 MS. GARDNER: Those are the end of my
12 questions. Thank you for your time today.

13 I think I probably have two minutes left
14 of my time.

15 THE VIDEOGRAPHER: We're off the record at
16 6:08 p.m.

17 (Whereupon, the deposition concluded at
18 6:08 p.m.)

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C E R T I F I C A T E

STATE OF GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing transcript of CLARA KEITH BROWN was taken down, as stated in the caption, and the questions and answers thereto were reduced by stenographic means under my direction;

That the foregoing Pages 1 through 245 represent a true and correct transcript of the evidence given upon said hearing;

And I further certify that I am not of kin or counsel to the parties in this case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 14th day of June, 2022.

Wanda L. Robinson

Wanda L. Robinson, CRR, CCR No. B-1973
My Commission Expires 10/11/2023

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D I S C L O S U R E

STATE OF GEORGIA) VIDEOTAPE DEPOSITION OF
FULTON COUNTY) CLARA KEITH BROWN - 6/07/22
Pursuant to Article 10.B of the Rules and
Regulations of the Board of Court Reporting
of the Judicial Council of Georgia, I make the
following disclosure:

I am a Georgia certified court reporter.
I am here as a representative of Esquire Deposition
Solutions, LLC, and Esquire Deposition Solutions,
LLC was contacted by the offices of U.S. Attorney's
Office to provide court reporter services for this
deposition. Esquire Deposition Solutions, LLC will
not be taking this deposition under any contract
that is prohibited by O.C.G.A. 9-11-28 (c).

Esquire Deposition Solutions, LLC has no
contract/agreement to provide court reporter
services with any party to the case, or any counsel
in the case, or any reporter or reporting agency
from whom a referral might have been made to cover
this deposition.

Esquire Deposition Solutions, LLC will
charge the usual and customary rates to all parties
in the case, and a financial discount will not be
given to any party to this litigation.



25

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CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me. Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.

Signature of Deponent

I hereby certify that the individual representing himself/herself to be the above-named individual, appeared before me this _____ day of _____, 2022, and executed the above certificate in my presence.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

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